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**WESTERN STATE COLLEGE OF LAW**  
*Civil & Judicial Externship Seminar*

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**COURSE SYLLABUS**

**SPRING 2019**

**Pamela L. Davidson, Esq.**  
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**Director, Civil & Judicial Externship Program**  
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**Office Location: Suite 203**

**Course Information**

January 14, 2019 through May 1, 2019

Wednesdays, 4:00 to 6:00 p.m. in Room 201

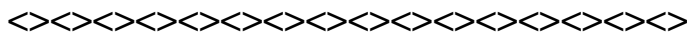
Office Hours: Wednesdays, 2:00 to 4:00 p.m.

**Required Text**

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

The course textbook is also available at the reference desk in the library.

You will also be assigned supplemental readings such as practice guides, journal articles, newspaper articles, and book excerpts.



## Course Overview

This is a graded Advanced Professional Skills course. The course is offered in conjunction with a field placement in a non-profit entity, court office, government organization, corporation, or a private law firm doing 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 developing the skills necessary to work 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 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 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

This course has two unit components: 2 Units (graded) for the Externship Seminar, and 3 Units (pass/not pass) for the placement hours. The ABA requires students to perform roughly two hours of non-classroom time for every one hour of classroom time. For the Externship Seminar, students can expect that the assigned reading, projects, exercises, and class preparation **should require four or more hours outside of class.**

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

## Student Responsibilities

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

### A. Goals and Skills Assessment Form

Complete the “Goals and Skills Assessment Form” as assigned.

### B. Weekly Time Sheets

Weekly time sheets must be filled out by students and signed by their placement supervisor or judge on a weekly basis. These time sheets require you to indicate the time you arrived to and left from 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. **The three-unit externship placement requires a minimum of 150 hours during the semester.** This required that students typically work 12-15 hours per week during the semester.

### C. Journal Assignments

You will also be required to submit weekly journal assignments to use as a tool for reflecting on your work, the workplace, and how it relates to your career goals. Journals are assigned on a weekly basis and are due (hard copy) at the subsequent class meeting time at the beginning of class.

*Format:* Each journal should be 2 to 3 pages, double-spaced. Each journal submission must be clearly labeled with your name, journal number, and date on which it is due.

*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 describe any connections among the prompts provided, your placement assignments and activities, and the course assignments. Journals may include topics such as:

- Your approach to your assignments or activities
- Any 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

- Work culture and operation of your office and other legal institutions
- How ethical issues are addressed
- Your short-term and long-term career goals.

Discuss the types of projects happening at your placement, and also what you are thinking and feeling, and how your experience fits or does not fit your concept of the legal profession and your role in it.

*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 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 I will ask your permission before sharing the information you have provided. If you would feel uncomfortable, please let me know.

That said, you should be aware of any confidentiality rules operative within your workplace and respect those rules when creating your journal assignments (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 confidentiality issues.

#### **D. Other Written Assignments**

In addition to your journal writing, you must complete the following: in-class writing assignments and a sample work product from your placement site (approved by the supervising attorney, redacted if needed). 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. Grading criteria will be provided as needed.

*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 understandings. These other assignments include 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.

## Class Participation & Attendance

Students are expected to be present and ready to participate in 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 participate actively and meaningfully in each class. This class is most productive if you have read the required material and thought about it before class, and are willing to discuss it together. All viewpoints are welcome. Guest speakers will be invited to class on occasion, which will afford a unique opportunity to engage with a practitioner in the field. I may 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 more than a lecture course, it requires your active participation and engagement. Throughout the semester, you will be asked to assess your own writing, and 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
- Exhibit willingness to experiment with new skills and approaches to material

Western State's Class Attendance Requirement as outlined in the 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.

**Important!** R.E.S.P.E.C.T = Taking responsibility for your learning and class progress. You are responsible for keeping track of your absences and your placement hours (minimum 150 is required to pass this class). If you are absent, you are responsible for obtaining notes, assignment sheets and any other relevant information.

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

## **Observation Paper**

You must observe a court proceeding, mediation, arbitration, hearing, appearance, or formal meeting among attorneys or with clients, which you have experience 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 all aspects of the proceedings. After the court proceeding or meeting, prepare a 2 – 3 page memorandum of what you observed.

The observation must include the following elements:

1. A detailed description and summary of the matter
2. Location (courthouse, office, mediation office, etc.)
3. Your impression of the attorneys, judges, clients, etc.
4. Detailed description of the proceeding/meeting
5. Analysis and conclusion: what you think worked well, what could have been improved? What would you have done differently?

You may be asked to share your experiences with the rest of the class as part of the class discussion. Any memoranda or oral presentations related to court/attorney observations will also be factored into your course participation grade.

**Due Date:    March 27 (hard copy)**

## **Writing Sample**

You are responsible for submitting one writing sample (5 - 10 pages) 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, two or three such writings may count as one writing sample. Please discuss ahead of time with the director.

Ideally, the writing sample should include the comments provided by the attorney or judge who reviewed your work product. If your supervisor provides verbal feedback of your work, please reduce this information to writing and attach 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 an approved topic.

**Due Date: April 3 (hard copy)**

## **Newsletter Project**

Over the course of the semester, a newsletter project that includes legal research topics will be assigned. Details and specifications for the research project will be outlined on the Assignment Sheet provided in class and discussed.

**Due Date: April 17 (hard copy)**

## **Two Office Meetings with the Externship Director**

Students are required to schedule two meetings with the externship director over the course of the semester. Meetings can be scheduled by signing up in the red appointment notebook outside of Suite 203, or via e-mail, or by making arrangements with the director.

**First Meeting: Between January 23 and March 1**

**Second Meeting: Between March 11 and April 26**

## Argosy University Institutional Learning Outcomes (ILOs)

### **1. Analytical Reasoning**

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems.

### **2. Effective Communication**

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation.

### **3. Information Competency**

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action.

### **4. Interpersonal Effectiveness**

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals.

### **5. Personal and Professional Integrity and Ethical Behavior**

Demonstrate a multi-dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

### **6. Professional Competence**

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession.



## Western State College of Law

### Programmatic Learning Outcomes (PLOs)

Western State College of Law's curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

#### **(1) Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

#### **(2) Practice Skills**

Students will demonstrate the development of other law practice skills. Each student's chosen outcomes within this category will be varied based on the student's particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

#### **(3) Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the

legal issue. (4) Legal Research Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

**(4) Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

**(5) Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

**(6) Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

**(7) Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

**(8) Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

## **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 Student Services Suite 119 on the first floor. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto: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 Dean Allen Easley at [aeasley@wsulaw.edu](mailto:aeasley@wsulaw.edu) or 714.459.1168. Complaints will be handled in accordance with the College of Law's "Policy Against Discrimination and Harassment."

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**COURSE SCHEDULE**

**SPRING 2019**

**CLASS 1: Wednesday, January 16, 2019**

**Topics:** Introduction & Course Overview  
Review of Program Materials  
Course Requirements  
Goals Assessment Distributed – **Due January 30**  
Getting to know us!

**Read:** (Prior to the class)  
Syllabus  
*Learning from Practice* Chapters 1, 2, 3 & 8

**Due:** Nothing yet  
**First Meeting with Director: Between January 22 and March 1**

**CLASS 2: Wednesday, January 23, 2019**

**Topics:** Presentation: Sarah Eggleston, Library Director  
Legal Research Tips & Strategies  
Presentation: Jack Rafter, LexisNexis Representative  
Job Research Sources

**Read:** *Learning from Practice* Chapter 9  
Additional reading as assigned

**Due:** Timesheet & Journal

**CLASS 3: Wednesday, January 30, 2019**

**Topics:** Ethics & You  
Confidentiality & Conflicts  
Review Completed Goals Assessments (in class)

**Read:** *Learning from Practice* Chapters 10, 11  
Additional reading as assigned

**Presentation:** Ethics Corner – Teams 1 & 2

**Due:** Timesheet & Journal  
**Goals Assessment (hard copy)**

**CLASS 4: Wednesday, February 6, 2019**

- Topics:** Confidentiality & Conflicts (con't)  
Discrimination & Bias
- Read:** *Learning from Practice* Chapters 6, 7, 12, 13  
Additional reading as assigned
- Presentation:** Ethics Corner – Team 3
- Due:** Timesheet & Journal

**CLASS 5: Wednesday, February 13, 2019**

- Topics:** Communication in Practice
- Read:** *Learning from Practice* Chapters 4, 5  
Additional reading as assigned
- Presentation:** Ethics Corner - Team 4
- Due:** Timesheet & Journal

**CLASS 6: Wednesday, February 20, 2019**

- Topics:** Communication in Practice (con't)  
Client Interviewing & Counseling
- Read:** *Learning from Practice* Chapters 14, 15  
Additional reading as assigned
- Presentation:** Ethics Corner - Team 5
- Due:** Timesheet & Journal  
**Mid-term Evaluations Distributed – Due by February 27**

**CLASS 7: Wednesday, February 27, 2019**

- Topic:** Client Interviewing & Counseling (con't)
- Read:** *Learning from Practice* Chapters 16, 18  
Additional reading as assigned
- Presentation:** Ethics Corner - Team 6
- Due:** Timesheet & Journal  
**Mid-term Evaluations Due (hard copy)**

**SPRING BREAK: Wednesday, March 6, 2019 - \*\* No Class \*\***

**CLASS 8: Wednesday, March 13, 2019**

**Topic:** Legal Writing: Developing the Narrative

**Read:** *Learning from Practice* Chapter 17  
Additional reading as assigned

**Presentation:** Ethics Corner – Team 1

**Due:** Timesheet & Journal  
**Second Meeting with Director: Between March 11 and April 26**

**CLASS 9: Wednesday, March 20, 2019**

**Topic:** Overview of Different Practice Areas

**Read:** *Learning from Practice* Chapters 19 – 23  
Additional reading as assigned

**Presentation:** Ethics Corner - Team 2

**Due:** Timesheet & Journal

**CLASS 10: Wednesday, March 27, 2019**

**Topic:** Career Development

**Read:** *Learning from Practice* Chapter 27  
Additional reading as assigned

**Presentation:** Ethics Corner – Team 3

**Due:** Timesheet & Journal  
**Observation Paper Due (hard copy)**

**CLASS 11: Wednesday, April 3, 2019**

**Topic:** Career Development (con't)

**Read:** *Learning from Practice* Chapter 26  
Additional reading as assigned

**Presentation:** Ethics Corner – Team 4

**Due:** Timesheet & Journal  
**Writing Sample Due (hard copy)**

**CLASS 12: Wednesday, April 10, 2019**

**Topics:** Business Development  
Work / Life Balance

**Read:** *Learning from Practice* Chapters 24, 25  
Additional reading as assigned

**Presentation:** Ethics Corner – Team 5

**Due:** Timesheet & Journal  
**Final Evaluation Distributed - Due April 24**

**CLASS 13: Wednesday, April 17, 2019**

**Topic:** Finishing Strong

**Read:** *Learning from Practice* Chapter 28  
Additional reading as assigned

**Presentation:** Ethics Corner – Team 6

**Due:** Timesheet & Journal  
**Newsletter Project Due (hard copy)**

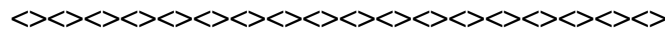
**CLASS 14: Wednesday, April 24, 2019**

**Topic:** Review, Evaluation and Discussion of Externship Outcomes

**Due:** Final Timesheets & Journal  
Final Evaluations Forms Due

**CLASS 15: Wednesday, May 1, 2019**

**Topic:** TBD



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