
WESTERN STATE COLLEGE OF LAW
Civil & Judicial Externship Seminar

COURSE SYLLABUS

Deirdre M. Kelly, Esq.
Assistant Dean, Career Development Department
Professor/Director, Civil & Judicial Externship Program
dekelly@wsulaw.edu / 714.459.1106
Office Location: Career Development Suite

Course Information

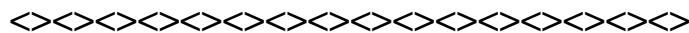
Thursdays, 2:30 to 4:30 p.m.

Office Hours: By email appointment.

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 assigned supplemental readings such as practice guides, journal articles, newspaper articles, and book excerpts.



Course Overview

This is a graded Advanced Professional Skills course. It is taken 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. It is estimated that, on average, the assigned reading and other classroom preparation **should require four or more hours outside of class per week**.

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.

Grading / Student Responsibilities

In order to receive a passing grade for the course, students must complete the following requirements during the term (and any other assignments given out by the professor):

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 the field supervisor 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. Each three-unit externship requires a minimum of 150 hours during the semester. This required that students typically work 12-15 hours per week during the semester. (Summer may require more hours per week as it is a shorter 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 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. It must also include the dates/times worked.

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.

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 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 meaningfully participate 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 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
- 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 your computer in the classroom. I will let you know when you can use your computer for in class work.

Oral Advocacy

You will also participate in graded 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 Sample

You are responsible for submitting one (1) writing sample (10 – 15 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, 2-3 such writings count as one writing sample.

Ideally, the writing sample should 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 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 (with prior approval by the professor).

Court/Attorney Meeting Observation

You must observe a court proceeding, mediation, arbitration, hearing, appearance, 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 2 – 3 page memorandum of what you observed.

The observation must include the following elements:

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

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.

Two Office Visits with the Externship Director

Students are required to schedule two meetings with the Career Resources Department. Meetings can be scheduled via email.

Learning Outcomes

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

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: 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 Allen Easley at aeasley@wsulaw.edu or 714.459.1168. Complaints will be handled in accordance with the College of Law's "Policy Against Discrimination and Harassment."

Classes Conducted by Zoom

Requirements for Students in Zoom Sessions:

- **Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.**
- **Arrive to class early and dressed as you would to attend an in-person class.**
- **Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.**
- **Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.**

- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.
- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.
- Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.
- Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.
- Unless your professor instructs you otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.
- Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.
- If you are using your computer to take notes and/or using an e-casebook, remember that you may not be able to easily switch between those apps and the Zoom session. This could undermine your ability to pay attention to the class discussion. Figure out how you will resolve that technological issue before your first class session and consider possible modifications to your normal note taking style (e.g., handwritten notes) or using a two-screen set-up.
- Zoom has a number of tools available to you as a student: yes/no symbols, raise hand and thumb icons, share screen (with permission of the professor), chat windows, etc. Please familiarize yourself with those tools before class so that you can use them as requested by the professor. Your professor will inform you about the ways in which you should use these tools in that particular class.

- Professors may use a number of interactive functions in Zoom to engage with students, e.g., polling questions, breakout rooms, as well as asking you to share your screen, type in the chat window. Like being called on in a live classroom, you are expected to participate fully in these activities and functions, i.e., answer polling questions, speak with your classmates in breakout groups, share your screen as requested, etc.