

## BLS Externship Seminar: LEARNING FROM PRACTICE

### Spring 2016 Syllabus

Wednesdays, 3:55-5:50 p.m., Room 602

#### PROFESSOR JODI S. BALSAM, DIRECTOR OF CIVIL EXTERNSHIP PROGRAMS

OFFICE LOCATION	One Boerum Place—Third Floor, Room 331
OFFICE PHONE	718-780-0379
EMAIL	<a href="mailto:jodi.balsam@brooklaw.edu">jodi.balsam@brooklaw.edu</a>
OFFICE HOURS	Mondays, 4:00-6:00 p.m., or just drop by—I enjoy visitors! You are also welcome to make an appointment.
CLINIC ADMINISTRATOR	Alisa Adolph, Clinic Office, 718-780-7336, <a href="mailto:alisa.adolph@brooklaw.edu">alisa.adolph@brooklaw.edu</a>

**Course Description:** The Civil Practice Externship Clinic is a 4-credit course—**3 credits** for fieldwork at a placement where students learn from working on real legal matters while carefully supervised by experienced practitioners, and **1 credit** for a concurrent seminar taught by BLS faculty. First-time externs take **Learning From Practice**, a course in professionalism designed to support the student as a newcomer to legal practice. Seminar activities will include roundtable discussions, small group exercises, simulations, and oral presentations, designed to build professional and lawyering skills that will assist you as you perform and observe externship fieldwork. Your fieldwork is the “text” for the course, and we will regularly engage in interactive dialogue relating to:

- The work that you are doing and the skills you are building in your field placements;
- Your impressions of the field placement, your Mentor Attorney and other attorneys with whom you interact, and the justice system as a whole; and
- Issues relating to ethics and professionalism in your field placements.

By the end of the clinic, students should:

1. Understand how to learn from experience, observation, and reflection;
2. Cultivate effective communication and problem-solving skills;
3. Begin/continue the process of developing professional identity;
4. Increase awareness of ethical issues arising in various practice settings;
5. Develop effective strategies for conducting professional meetings, roundtable discussions, and group presentations;
6. Develop skills of effective collaboration;
7. Develop self-assessment skills and a habit of ongoing self-evaluation;
8. Set and confirm professional goals and refine career plans;
9. Develop effective networking strategies; and
10. Learn about the roles of lawyers in different legal institutions and practice areas.

### **Course Materials**

- ✓ Available on BLSConnect:
  - ***Externship Clinics Student Handbook***—you are responsible for all information contained in this document.
  - Additional readings including secondary sources and current media reports.
- ✓ ***Learning from Practice: A Professional Development Text for Legal Externs (LFP)***
- ✓ Ethical Rules: You must be familiar with relevant ethical rules. For most BLS externs, that means the **New York State Rules of Professional Conduct**, available at <https://www.nycourts.gov/rules/jointappellate/NY-Rules-Prof-Conduct-1200.pdf>.

### **General Policies**

**No Technology.** No internet or smartphone use is permitted during class, unless specifically required for an exercise. This means you must not text message, email, or surf the web. Note-taking on computers is permitted when appropriate, but is generally not appropriate during class discussion. I will ask you to lower your laptops as necessary to avoid distractions.

**No Recording.** No recording of classes unless you obtain my permission in advance.

**Class Attendance.** You are expected to attend every class **on time**. If you have more than two unexcused absences, your grade will be lowered and you risk being administratively withdrawn from the course. If you miss part or all of any class, whether or not the absence is excused, you will have to do a make-up assignment, usually based on the in-class activities that you missed. I expect to be contacted in advance if you will miss class; this allows me to adjust my teaching plan as necessary to account for your absence. Your Mentor Attorney is aware that your fieldwork must accommodate your class schedule.

**Class Participation.** Class participation counts toward your final grade. I will keep track of your participation in classroom discussion and your final grade will reflect the level and quality of your engagement in the class.

**Email and BLSConnect Class Site.** You are expected to regularly check your BLS email and the BLSConnect class site. I will use both these tools to communicate with the class, update schedules and assignments, post reading materials, and convey other important information. Email is the fastest and most efficient way for you to ask me questions and set up appointments. HOWEVER, I expect you to first review available course documents before emailing me with a question. If the answer is available in those documents, I will simply redirect you there. When you send an email, whether to ask a question or submit an assignment, use a specific subject line that will help me sort through my emails efficiently.

**“Read” and “Do” Instructions.** The syllabus asks you to read and do certain things for each class. You are expected to complete these assignments in advance of the class assigned.

**Clinic Required Written Assignments**

Refer to the *Student Handbook* for more information about how to complete each of the required written assignments, and follow this schedule:

<b>Schedule of Required Written Assignments</b>	
1. Learning Plan*	<ul style="list-style-type: none"> <li>• Draft due in first seminar class.</li> <li>• Submit to Mentor Attorney for discussion and signature.</li> <li>• Submit final, signed version to Dropbox by .</li> </ul>
2. Time Log	Record and certify fieldwork hours on online time log, to be submitted weekly.
3. Journal Entries	Submit 3 journal entries (due , , & ) according to <i>Student Handbook</i> and <b>supplemental instructions</b> below.
4. Midterm Assessment of Placement*	Submit to Dropbox by .
5. Final Essay	Submit to Dropbox by .
6. Final Evaluation of Placement*	Submit to Dropbox by .
❖ Mentor Attorney Final Evaluation of Student Extern	Make sure your Mentor Attorney submits this document by end of externship and no later than [last day of classes].

\*Use form available on the BLSConnect/class site

**Oral Report to Supervisor Assignment**

This assignment is designed to help prepare you for a frequent occurrence in a law office: face-to-face meeting with a supervisor to give an oral summary of your research. You will be given a fact pattern, case cites, and possibly a statute and other resources, and asked to analyze a specific issue. You will not need to do any additional research. You will be assigned a time to give a 10-minute oral report (including responding to follow-up questions) to the professor, who will play the role of your supervising attorney. Your report will be evaluated based on a rubric, and will contribute to your final grade. See further instructions on BLSConnect.

**Grading**

Learning From Practice is letter-graded based on the BLS curve for a seminar course (*i.e.*, the mean of the students' grades must fall between 2.8 and 3.8).

<b>Participation and Professionalism</b> (including on-time attendance; preparing for class; contributing to discussions; participating in class exercises and presentations; showing respect by not using technology during class; timely submission of time logs and other required externship forms; meeting deadlines; responding to professor; demonstrating maturity, diligence, and attention to detail)	<b>35%</b>
<b>Journal Entries</b> (see Syllabus instructions and evaluation rubric)	<b>30%</b>
<b>Oral Report to Supervisor</b> (see instructions on BLSConnect and evaluation rubric)	<b>15%</b>
<b>Final Essay</b> (see instructions in <i>Student Handbook</i> )	<b>15%</b>
<b>Networking Report</b> (see instructions on BLSConnect)	<b>5%</b>
<b>TOTAL</b>	<b>100%</b>

**Supplemental Instructions for LFP Journal Entries**

The journal entries offer the opportunity to practice the skill of close observation and analysis of your fieldwork experience to develop professional identity and expertise. What is going on in the workplace? What are the finer details that cause you to understand something or to raise a question you had not considered before? Based on those close observations, you will analyze what they mean for you personally, for the profession, and for legal institutions. This is the core of what reflective practice entails.

Journals will be scored according to an evaluation rubric (available on BLSConnect) that takes into account your professionalism and the quality of your descriptions, reflections, and writing style. I will try to provide timely feedback on your journal entries to give you an opportunity to improve over the course of the semester. To assist in this effort, you must punctually deliver work product that conforms to professional style, usage, and format as follows:

**Format:** Double-spaced, standard margins, pagination.  
**Length:** **750-1000 words minimum** (show word count on last page)  
**Document name:** last name.first name.journal entry # (e.g., Doe.Jane.Journal1)  
**Submit to:** BLSConnect Seminar Dropbox by midnight of deadlines noted below.  
**First page:** Include a caption on the first page of your journal entry as follows:

EXTERN: [your name]  
 PLACEMENT/MENTOR: [your workplace/mentor attorney]  
 DATE: [date]  
 JOURNAL #/TOPIC: [e.g., Journal 1: Placement Profile]

**Confidentiality:** Be mindful not to disclose client confidences in your entries. For example, if the client's identity is confidential, then use his/her salient traits, rather than name (e.g., 4-year-old subject of a custody battle, or banker who is a target of a grand jury investigation).

**Topics:** Write your journal entries in response to the prompts below:

**Journal 1—Placement Profile.** Discuss your placement. What type of legal problem does your placement handle? What client group or interests does your placement represent? What size caseload/workload do attorneys at your office carry? What organization does your office have? What is the office environment like in terms of physical set-up, demographics, management style, and interpersonal dynamics? What stressors are present at your office? What is your placement uniquely or especially qualified to teach you? What risks, if any, exist in your placement that you will be exposed to substandard practice and how will you exercise a critical perspective to learn from both the bad and the good?

**Journal 2—Professionalism in Action.** Describe an example of professionalism that you observed at your placement. Incorporate what you've learned from the readings and class discussions to provide a vivid picture of professionalism/ leadership in action. You might describe, e.g.: someone who is a role model, an episode of highly effective lawyering, a series of observations of several attorneys, or someone who displays mastery of the lawyering

competencies we've discussed. Include reflections about how you will raise your skills and conduct to the level to which you aspire as a professional.

**Journal 3—choose one:**

**--Ethics in Context.** Describe a situation you observed (or that might arise) at your placement that raises an ethical issue. Within the bounds of confidentiality, be as thorough as possible in your description, including how the attorneys involved did (or might) address the issue. Identify the specific ethical rule(s) implicated by the situation, and analyze how you believe the situation should be resolved under those rules. Reflect on the issue in the context of the larger framework of the justice system or legal profession, and provide insights in terms of your own learning and professional development.

**OR**

**--Observation for Learning.** Observe and write about a lawyering activity, following the *Student Handbook* instructions on "Active Observation," including the steps to take before, during, and after observation. Use your observations to generate insights about the practice of law, and elaborate using *Student Handbook* Appendix B—Journal Topic Suggestions.

**Suggested framework:** When examining your performance on fieldwork assignments and your workplace relationships and experiences (or when examining the performance of attorneys you observe), you might want to consider this framework for your journal writing, addressing two to four of these elements of reflection:

Stage of Reflection	Questions or Prompts to Consider (in reflecting on your performance or another attorney's performance)
1. Competence	Did your performance meet the standard of a reasonably competent lawyer?
2. Difference and Choice	Are there different ways you could have accomplished the performance? At what point in the performance did you make a choice? Were you aware of making the choice?
3. Internal Context	Why did you make certain choices in your performance? What are your personal experiences, characteristics, preferences or biases that affected your decision-making process?
4. External Context	Why did you make certain choices in your performance? Did you perceive different characteristics, experiences, preferences or biases in other people involved in the performance? How did your perception of others affect your performance?
5. Societal Context	Why did you make certain choices in your performance? Were you aware of societal and institutional structures that could affect your performance (collective preferences, biases, experiences, histories, social, political or economic factors)?
6. Metacognition	How has your thinking process developed as a result of this performance? How has your thinking process developed from your past reflection?

## SCHEDULE OF CLASSES AND ASSIGNMENTS

(Note: subject to change)

Date/Time	Class Topics/Assignments	By Friday of that week
Class 1 <hr/> 3:55-5:50	<b>Intro to the Seminar, Externship Learning Plan</b> <ul style="list-style-type: none"> <li>• Overview and course requirements</li> <li>• Setting Learning Goals</li> </ul> <p><u>Read</u></p> <ul style="list-style-type: none"> <li>➤ <i>LFP</i> Ch. 1—Learning From Experience</li> <li>➤ <i>LFP</i> Ch. 2—Setting Goals for the Externship</li> <li>➤ <i>Student Handbook</i>, pp. 1-4, 10-21, Appendix A (Schultz-Zedeck Lawyering Effectiveness Factors)</li> </ul> <p><u>Do</u> (use forms on <a href="#">BLSConnect Class Site</a>)</p> <ul style="list-style-type: none"> <li>✓ Complete “Initial Skills Self-Assessment” and bring results to class</li> <li>✓ Draft Learning Plan and bring hard copy to class</li> </ul>	Time Log  Meet with Mentor Attorney about your Learning Plan
Class 2 <hr/> 3:55-5:25	<b>Reflective Practice and Writing Journals</b> <ul style="list-style-type: none"> <li>• Learning from Experience</li> <li>• Reflective writing for self-evaluation and improvement</li> <li>• Skills Development: Networking</li> </ul> <p><u>Read</u></p> <ul style="list-style-type: none"> <li>➤ <i>LFP</i> Ch. 11—Journals</li> <li>➤ <i>Student Handbook</i>, pp. 13-14, Appendix B (Journal Entry Topic Suggestions)</li> <li>➤ Sample Journal Entries + Journal Entry Evaluation Rubric</li> <li>➤ “Networking Tips for Young Lawyers,” ABA, <i>The Young Lawyer</i></li> <li>➤ Networking Report Instructions</li> </ul>	Time Log  Submit to Dropbox: -Learning Plan signed by Mentor Attorney
Class 3 <hr/> 3:55-5:25	<b>Lawyering Competencies: The Attorney-Client Relationship and Ethical Issues in Externships</b> <ul style="list-style-type: none"> <li>• Perceptions of Attorneys and Professionalism</li> <li>• Ethical Issues in Externships</li> <li>• Ethics and Morality in Law Practice</li> </ul> <p><u>Read</u></p> <ul style="list-style-type: none"> <li>➤ <i>LFP</i> Ch. 4—Ethical Issues in Externships</li> <li>➤ <i>Student Handbook</i>, pp. 22-24</li> <li>➤ Hamilton, <i>Empirical Research on Core Competencies: What do Clients, New Lawyers, and Legal Employers Tell Us?</i></li> <li>➤ Pansky, <i>Communication and Diligence</i></li> </ul> <p><u>Do</u></p> <ul style="list-style-type: none"> <li>➤ The “dissatisfied client” interview assignment—post results on BLSConnect Class Site <b>Team Discussion Page</b></li> </ul>	Time Log  Submit to Dropbox: -Journal 1—Placement Profile

Date/Time	Class Topics/Assignments	By Friday of that week
NO CLASS	<u>Listen</u> ➤ Ari Kaplan, <i>Opportunity Maker</i> , Chapter 5, “Networking and the Personal Aspects of Promoting Yourself” <a href="http://www.arikaplanadvisors.com/the-opportunity-maker-free-audio-book/">http://www.arikaplanadvisors.com/the-opportunity-maker-free-audio-book/</a>	Time Log  Submit to Dropbox: -Networking Plan
Class 4 _____ 3:55-5:50	<b>Lawyering Competencies: Communication Skills</b> <ul style="list-style-type: none"> <li>• Communicating in the Workplace: Colleagues and Clients</li> <li>• <b>OPTIONAL: Attorney Guest Speaker(s) on “The Importance of Informal Communication Skills in Law Practice” –OR–</b></li> <li>• <b>OPTIONAL: Client Cover Letter exercise</b></li> </ul> <u>Read</u> ➤ Krieger Neumann, <i>Communication Skills</i> ➤ “Effective Communication Tips for Young Lawyers,” ABA, <i>The Young Lawyer</i> ➤ Oral Report to Supervisor Assignment: Instructions, Issue Files, Chapter on <i>Orally Reporting Research Results</i>  <u>Do</u> ✓ One-minute story—come to class with a story from your externship or your daily life that illustrates: the risks of email communication.	Time Log  Sign up for appointments: -oral report to supervisor -individual student conference with professor  Email Professor Balsam: -top 1 and 2 choices for your oral report issue.
Class 5 _____ 3:55-5:25	<b>Professional Competencies: Credibility and Reputation</b> <ul style="list-style-type: none"> <li>• Defining Professionalism</li> <li>• What do we mean by professional Identity formation?</li> <li>• Building and maintaining a good reputation</li> <li>• Skills Development: Social Media Audit</li> </ul> <u>Read</u> ➤ Gantt & Madison, <i>Teaching Knowledge, Skills and Values of Professional Identity Formation</i> (2015) ➤ Michael B. Greenstein, <i>On Being a Lawyer of Good Reputation and Why That Matters</i> , (Mar. 17, 2011) <a href="http://greensteinfamilylaw.com/2011/03/17/on-being-a-lawyer-of-good-reputation-and-why-that-matters/">http://greensteinfamilylaw.com/2011/03/17/on-being-a-lawyer-of-good-reputation-and-why-that-matters/</a>	Time Log  Meet with Mentor Attorney to discuss Midterm Assessment  Submit to Dropbox: -Midterm Assessment of Placement
NO CLASS	<b>Individual Student Conferences:</b> Students will individually meet with professor to discuss midterm assessment, in Clinic Office, One Boerum Place.	Time Log  Submit to Dropbox: -Journal 2—Professionalism in Action

Date/Time	Class Topics/Assignments	By Friday of that week
Class 6 _____ 3:55-5:25	<b>Professional Competencies: Workplace Challenges</b> <ul style="list-style-type: none"> <li>• The Challenging Situation Exercise</li> <li>• Skills Development: Observation</li> </ul> <p><u>Read</u></p> <ul style="list-style-type: none"> <li>➤ LFP Ch. 12—Observation</li> <li>➤ LFP Ch. 15—Management Skills</li> <li>➤ <i>Student Handbook</i>, pp. 18-20</li> </ul>	Time Log
Class 7 _____ 3:55-5:25	<b>Cross-Cultural Competencies: Recognizing and Navigating Cultural Difference</b> <ul style="list-style-type: none"> <li>• Cultural Awareness—Self and Other</li> <li>• Communication and Assumptions</li> </ul> <p><u>Read</u></p> <ul style="list-style-type: none"> <li>➤ Reuter &amp; Weng, <i>Navigating Cultural Difference</i></li> <li>➤ Zitrin, <i>Five Who Got It Right</i></li> </ul> <p><u>Do</u></p> <ul style="list-style-type: none"> <li>✓ Implicit Association Test—take any two online tests and record your results <a href="https://implicit.harvard.edu/implicit/takeatest.html">https://implicit.harvard.edu/implicit/takeatest.html</a></li> </ul>	Time Log
NO CLASS	<b>ORAL REPORTS TO SUPERVISOR</b> Students meet individually with professor to deliver graded oral report to supervisor.	Time Log
NO CLASS	<b>ORAL REPORTS TO SUPERVISOR</b> Students meet individually with professor to deliver graded oral report to supervisor.	Time Log  Submit to Dropbox: -Journal 3—Choose either Observation for Learning or Ethics in Context
Class 8 _____ 3:55-5:25	<b>Externships for Career Planning</b> <ul style="list-style-type: none"> <li>• Finding Your Career Direction</li> <li>• Work/Life Balance</li> <li>• Externship Rounds: Professionalism in Action</li> <li>• Skills Development: Exiting Professionally</li> </ul> <p><u>Read</u></p> <ul style="list-style-type: none"> <li>➤ LFP Chapter 17: Balancing Personal and Professional Life</li> <li>➤ LFP Chapter 18: Externships and Career Planning</li> <li>➤ Fan &amp; Maranville, <i>Top 5 Things to Look for in a Legal Job</i></li> <li>➤ Exiting Professionally, <i>Student Handbook</i>, pp. 21-22</li> </ul> <p><u>Do</u></p> <ul style="list-style-type: none"> <li>✓ DISC Work Values Test—take online test and print out results to bring to class <a href="https://www.123test.com/work-values-test/">https://www.123test.com/work-values-test/</a></li> </ul>	Time Log
NO CLASS	<b>HOLIDAY</b>	

<b>Date/Time</b>	<b>Class Topics/Assignments</b>	<b>By Friday of that week</b>
Class 9 _____ 3:55-5:25	<b>Last Class</b> <ul style="list-style-type: none"><li>• Student Networking Reports</li><li>• OPTIONAL: Mentor Attorney Roundtable</li></ul>	Time Log  Submit to Dropbox -Final Evaluation of Placement -Final Essay