

Civil Externship Program
Fall 2013
Professor Silberfeld
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Room 216; (516) 463-5928

Syllabus

Goal: The goal of the Civil Externship Program is to provide students with the opportunity to engage in the actual practice of law under the direct supervision of a real life practicing attorney. The program is also designed to provide the students with mechanisms to rigorously reflect upon their externship experience and assess how that experience has affected their career objectives, professional development, and views about the practice of law.

Each student is required to secure an externship position or placement at a government agency, not-for-profit organization, corporate legal department, or private law firm and will be assigned to work on on-going civil matters. Students can choose litigation, transactional, or policy positions. The work may include legal research; drafting briefs, memos, pleadings, motions and other court papers, contracts, letters, and other legal documents; meeting with clients, witnesses, and other lawyers; and attending and observing meetings, negotiations, and court and administrative proceedings. Some externs may even get to appear in court on the record. While performing this work, each student will be supervised by a full time attorney employed at the office where the student is working. The attorney will assign work to the student and provide the student with guidance and feedback.

In addition, the students are required to attend a one-hour weekly seminar to discuss their externship experiences as well as legal, ethical, and professional issues raised by the professor. The seminars meet on Thursdays from 6:10 to 7:00 pm in room 242. The topics for discussion at the seminars are described in the course Calendar attached to this Syllabus.

The students are also required to turn in weekly two-part journals that describe the work performed by the student and include the student's reflections about the work in particular and the practice of law in general. The journals are described in more detail below and in the course Calendar.

Course Requirements:

Hours: Each student is required to work 12 hours per week for 14 weeks, for a total of 168 hours. The student is responsible for making up time missed to due holidays, illness, etc. Counting from Monday August 19 through Friday November 29, and including the week of Thanksgiving, the semester runs for 15 weeks, so you have some (but not a lot of) flexibility

for meeting the 168 hour requirement. Students are required to work at their placements, not at home or in the law library.

Journals: Students are required to hand in weekly two-part journals. The objective portion of the journal should contain a daily log of the work performed: day/date, brief description of each task, and total hours for the day. The subjective portion of the journal should contain the student's reflections, reactions, or analysis of a particular externship experience.

As described in the course Calendar, during some weeks the students will be assigned a specific topic for their subjective journal. When no specific topic is assigned, the students may choose their own topic. Some possible topics for the subjective journal are listed below.

Each subjective journal entry should be at least 200 words.

Journals must be e-mailed to the professor no later than 11 pm every Sunday evening. The first journal is due Sunday August 25. Please e-mail the objective and subjective journal as one Word or Wordperfect document.

At the top of the first page of each e-mailed journal, please include the student's name, the name of the placement, and the name of the supervisor.

When writing your journals, be mindful of your obligation not to disclose confidential information. Among other things, do not include any identifying information, e.g., the name of the client or other parties, the name of the case, etc. If you have any doubt about whether to include certain information, check with your supervisor. Err on the side of non-disclosure.

The professor will not disclose the contents of your journal without your consent. However, at the weekly seminars you will be expected to speak about your externship experiences, and you may be asked to describe or expand upon one or more of your journal entries.

Possible topics for discussion in the subjective journals: describe your progress in achieving your externship goals; discuss what you learned from a particular assignment; critique your legal abilities and work preferences; describe what you like and don't like about the practice of law, or what you think of lawyers and the legal system; explain how you feel about the work done by your placement; discuss whether the legal system serves the needs of society; write about career fulfillment/job satisfaction/corporate culture/stress, etc.; describe efforts to network with attorneys and other externs; describe any helpful career advice you were given; discuss a controversial law or whether justice was done or not done in a particular case; write about taking a position on behalf of a client at odds with your personal preferences; compare your expectations regarding the externship against the reality.

A sample objective and subjective journal is attached to this Syllabus. Please follow the format.

Course Calendar: The course Calendar is attached to this Syllabus. Among other things, the Calendar includes the topics for discussion at each weekly seminar and the reading assignments (if any) due each week. The Calendar also identifies those weeks when specific subjective journal topics are assigned.

Mid-Semester Conferences: Mid-semester conferences will be held during the week of October 14. The purpose of the conference is to make sure that things are going well and that there are no problems or concerns. Some specific topics for discussion: have you made progress in achieving your goals for the externship; have you been given challenging and worthwhile assignments; are you satisfied with the supervision by and feedback from your supervisor; what else would you like to experience at your externship; will you be able to satisfy the requirement of 15 pages of legal writing (optional: bring sample of legal writing to the conference); are there any entries in your journals you wish to discuss in more detail; any problems or concerns.

Final Essay: The students are required to e-mail the professor a final essay no later than 11 pm on Sunday December 8. The essay should be at least 1,000 words (approximately 3-4 pages) and should be a subjective analysis of your externship experience, both the positive and the negative, what you learned about the practice of law, or about yourself, etc. The final essay must include an assessment of whether you met your externship goals for the semester.

Legal Writing Requirement: Each civil extern is required to produce and hand in 15 pages of legal writing. Legal writing includes any document that requires legal knowledge, skill, research, and/or analysis, including: predictive memos; persuasive memos; analyses of statutes, regulations, or cases; memos or briefs, pleadings, motion papers or other court documents; contracts, wills, settlement agreements, correspondence, etc. A minimum amount of cutting and pasting from formbooks or previously written documents is acceptable but original writing is strongly preferred.

Students can fulfill this requirement with one 15 page (or longer) assignment or with more than one assignment as long as they total at least 15 pages. But the requirement cannot be satisfied by different drafts or versions of the same document.

The legal writing you hand in must be reviewed and critiqued by your supervisor, who may require some rewriting.

Please redact any confidential information from the documents before you hand them in, including client names, other parties, case names, and any other identifying information. If you have any questions about whether you can submit a particular document, get your supervisor's approval or speak to me.

The documents must be handed in no later than Sunday December 8.

Please note that while legal research and writing may be an important aspect of your externship, it should not be the only aspect. If not offered, students are encouraged and expected to seek out opportunities to experience other aspects of the practice of law, either as observers or participants.

Weekly Seminars: The weekly seminar meets every Thursday from August 22 through Tuesday November 26 (which follows a Thursday schedule) from 6:10 to 7 pm in room 242. Class does not meet on September 5 (Rosh Hashanah) and November 28 (Thanksgiving). At the seminars we will discuss topics of interest to all externs. You may be asked about one or more of your externship experiences, as described in your journals. The course Calendar, attached to this Syllabus, lists the topics that will be discussed each week and the reading assignments for each week, if any. You may be called upon in class to discuss that week's reading assignment. Attendance at these seminars is mandatory; New York State, American Bar Association, and Hofstra rules permit you no more than two unexcused absences.

It is essential that you prepare for each seminar and actively participate in the class discussion. You learn about the practice of law and your own abilities, opinions, and preferences not only from working at your placements but also by reflecting on that experience and sharing your insights with your classmates.

No Laptops Allowed: Since there is no exam in this course, you do not need to take copious notes during class. Instead, the goal of each class is to generate discussion and Q and A sessions on topics of interest to all externs. Past experience teaches us that laptops are a distraction in that context. Accordingly, you may bring your laptops to class, but you may not open them or use them. Similarly, texting, e-mailing, and surfing the internet are also prohibited.

Grades: The course is worth three credits and is graded pass-fail. You will pass the course as long as you work the minimum number of hours; attend the weekly seminars and participate in the class discussion; complete all written work (journals, final essay, and 15 pages of legal writing) and hand the work in on time; and receive a satisfactory final evaluation from your externship supervisor.

Journal Entries

James T. Hart
Nassau County Attorney's Office
Supervisor: Jack McCoy

Objective Journal

<u>Date</u>	<u>Hours</u>	<u>Task</u>
8/19	4	meet with Supervisor re: first assignment legal research re: elements of 1983 claim draft memo re: elements of 1983 claim
8/20	4.5	draft memo re: elements of 1983 claim review transcript of court proceeding re: motion to compel discovery attend staff meeting re: case updates
8/21	4	meet with supervisor to prepare for court appearance attend court hearing discovery schedule meet with supervisor to discuss court appearance attend witness interview draft memo summarizing witness interview

Total: 12.5 hours

Subjective Journal:

Start here, and write at least 200 words on the assigned topic or reflecting on some aspect of your externship experience.

Calendar
Externship Seminar Fall 2013
Thursdays 6:10-7 pm

Note: Journals are due every Sunday by 11:00 pm. The objective portion of the journal contains a daily log describing the work done the previous week. The subjective portion of the journal contains the student's analysis or reflections about an aspect of the externship experience. On those days marked with an asterisk (*), the students are assigned a specific subjective journal topic that will be discussed during the next Thursday class.

First Week:

Class 8/22: Introduction

*Journal Due 8/25

In your Objective Journal, please include your supervisor's e-mail address.

Subjective Journal Topic: Why you sought or accepted your externship; what your learning goals are for the semester; describe any previous legal work experience.

Second Week:

Reading: In re County of Erie, 473 F.3d 413 (2d Cir. 2007)

Class 8/29: Learning Goals
Confidentiality: Part I: The Attorney/Client Privilege

Journal Due 9/1
Subjective Journal Topic: student's choice

Third Week: **NO CLASS: ROSH HASHANAH**

Journal Due 9/8
Subjective Journal Topic: student's choice

Fourth Week:

Reading: Rule 1.6, New York Rules of Professional Conduct

Class 9/12: Confidentiality: Part II: Rule 1.6

*Journal Due 9/15

Subjective Journal Topic: write about a conflict of interest that has already arisen during your externship or at a previous legal position; or describe a conflict of interest that could potentially arise; and describe what steps, if any, your placement took to determine if your employment created an actual or potential conflict of interest.

Fifth Week:

Reading: Rules 1.7-1.13 and 2.1, New York Rules of Professional Conduct
Williams v. State, 805 A.2d 880 (Del. 2002)

Class 9/19: Conflicts of Interest

*Journal Due 9/22

Subjective Journal Topic: Describe any ethical issues or issues of professionalism that have arisen in the context of your externship or at previous legal jobs. If none have arisen, identify an ethical or professionalism issue pertinent to your externship that you'd like to discuss in class.

Sixth Week:

Reading: El Gemayel v. v. Seaman, 72 N.Y.2d 701 (1988) (unauthorized practice of law); Rule 3.3 (Conduct Before a Tribunal), Rule 4.1 (Truthfulness in Statements to Others), Rule 5.3 (Responsibilities for Conduct of Nonlawyers), Rule 8.3 (Reporting Professional Misconduct), and Rule 8.4 (Misconduct), New York Rules of Professional Conduct

Class 9/26: Miscellaneous Ethical or Professionalism Issues

*Journal Due 9/29

Subjective Journal Topic: (1) Assignment Clarification and (2) Supervisor Feedback:
(1) Describe in detail an experience where you were given an assignment by your supervisor, and you either met or did not meet your supervisor's expectations. What clarifying questions did you ask, either at the time the assignment was given or at some later time? If you did not meet your supervisor's expectations, what clarifying questions could you have asked? How will this experience affect you in the future?
(2): Describe the habits and characteristics of an effective supervisor; or describe examples of helpful feedback (positive or negative) you received from your supervisor; and describe what sort of feedback motivates you to become a better practitioner.

Seventh Week:

Class 10/3: Assignment Clarification/Supervisor Feedback

*Journal Due 10/6

Subjective Journal Topic: Write about a court appearance you observed or participated in. What was the issue? Did the court render a decision? Did any of the lawyers do anything particularly well or poorly? What lessons did you learn about how to be an effective courtroom litigator?

Eighth Week:

Reading: Things Judges Like to See from Young Attorneys, ABA Young Lawyers Division, appearing at the following link:

http://www.americanbar.org/publications/young_lawyer_home/young_lawyer_archive/yld_tyl_may07_hill.html

Rule 3.1 (Non-Meritorious Claims and Contentions); Rule 3.2 (Delay of Litigation); Rule 3.4 (Fairness to Opposing Party and Counsel)

Class 10/10: Going to Court

*Journal Due 10/13

Subjective Journal Topic: student's choice; optional topic: something you would like to speak about at next week's conference.

Ninth Week:

NO CLASS: MID-SEMESTER CONFERENCES

*Journal Due 10/20

Subjective Journal Topic: What are the characteristics and habits of an effective and/or successful attorney; describe examples of good (or bad) lawyering that you observed; and what practice tips have you learned at your externship that you can pass along to your classmates.

Tenth Week:

Reading: NY Times articles: A Law Firm Where Money is Secondary, Sept. 25, 2012; Investors' Billion-Dollar Fraud Fighter, Oct. 9, 2012.

10 Habits Every New Lawyer Should Learn, lawjobs.com.

These articles appear at the following links:

<http://dealbook.nytimes.com/2012/09/24/a-law-firm-where-money-seemed-secondary/>

<http://dealbook.nytimes.com/2012/10/08/investors-billion-dollar-fraud-fighter/>

<http://www.lawjobs.com/newsandviews/LawArticle.jsp?id=1202461189001>

Class 10/24: Characteristics and habits of effective/successful lawyers; examples of good (and bad) lawyering; practice tips.

*Journal Due 10/27

Subjective Journal Topic: Write a brief description of the nature of your placement's business, what the attorneys do, what generally you have been doing, and, most importantly, what you like best about the work you have done, what you like least. In addition, what piece of advice would you offer to a student who is considering an externship at your placement next semester.

Eleventh Week:

Class 10/31: Placement and work descriptions and preferences

*Journal Due 11/3

Subjective Journal Topic: has law school adequately prepared me for my externship?

Twelfth Week:

Reading: NY Times article: What They Don't Teach Law Students: Lawyering, Nov. 19, 2011, appearing at the following link:

http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html?pagewanted=all&_moc.semityn.www

NY Times article: NYU Plans Overhaul of Students' Third Year, Oct. 17, 2012, appearing at the following link:

<http://dealbook.nytimes.com/2012/10/16/n-y-u-law-plans-overhaul-of-students-third-year/>

Class 11/7: Has law school adequately prepared you for your externship

*Journal Due 11/10

Subjective Journal Topic: Did my externship confirm my interest in a particular area of the law or type of practice, or did it point me in a different direction, and why.

Thirteenth Week:

Class 11/14: How Has My Externship Affected My Career Objectives

*Journal Due 11/17

Subjective Journal Topic: what topics or issues relating to your externship or the practice of law would you like to discuss at our next class.

Fourteenth Week:

Reading: NY Times article; Specialists' Help at Supreme Court Can Come With a Catch, Oct. 9, 2010; Law School is Worth the Money, Nov. 28, 2012.

These articles appear at the following links:

<http://www.nytimes.com/2010/10/10/us/10lawyers.html?pagewanted=all>

<http://www.nytimes.com/2012/11/29/opinion/law-school-is-worth-the-money.html>

Class 11/21: Topics suggested in student journals

Journal Due 11/24

Subjective Journal Topic: student's choice

Fifteenth Week:

Class 11/26: The last class meets on Tuesday 11/26 (a legislative Thursday)
Reflections and analysis of the externship experience, e.g., did externship meet my expectations, did I achieve my learning goals, etc.

Journal Due 11/29

OBJECTIVE JOURNAL ONLY
NO SUBJECTIVE JOURNAL

FINAL ESSAY DUE SUNDAY DECEMBER 8

TOPIC: students can address any topic they want, but please include the following:
did I achieve my learning goals for the semester; did my externship meet
my expectations