



**Seminar on Law and Policymaking in Washington, D.C.  
Law 3900 – Professor Scott J. Glick  
Fall 2017**

## **Introduction**

The Seminar on Law and Policymaking in Washington, D.C., is a weekly three-hour evening seminar that is designed to complement and enhance the full-time field placement experiences of students participating in the Hofstra Law in D.C. (HLDC) Externship Program by exploring constitutional, statutory and regulatory issues from multiple perspectives, including all three branches of government. Assigned readings and classroom discussions may also be supplemented by guest speakers, and may include field trips. Classroom discussions will focus on issues that arise during students' field placements, as well as how law, policy, politics, ideology, process, personality, ethics and professional responsibility intersect and affect law and policymaking in the nation's capitol.

Seminar classes will generally take place from 6:30 p.m. until 8:00 p.m., on Tuesdays and Thursdays, at the law offices of Ashcraft and Gerel, 1825 K Street, N.W., Suite 700, Washington, D.C. 20006. Exceptions will include when "One-on-One" sessions are scheduled, as well as some class dates that are noted below or will be announced in class. One of the exciting aspects of this class will be the potential for class discussions to focus on "hot topics" that may be in the news. As a result, depending on the availability of guest speakers and the nature of events in the news, as well as potential field trips, the syllabus may be adjusted. The required readings, therefore, serve as a proposed schedule that may change. Any announcement concerning a change in the syllabus, however, will usually be made one week in advance.

Our first class will be on Tuesday, August 22, 2017, at 6:30 p.m. After the first few classes, our classes will usually begin with "rounds" discussions of students' field placement experiences. Students are expected to actively participate in rounds and other classroom discussions, and to keep a journal in connection with their field placement experiences. Weekly journal entries should be e-mailed to me every Sunday by 5 p.m. at [Scott.J.Glick@hofstra.edu](mailto:Scott.J.Glick@hofstra.edu). All classroom discussions and all journal entries must be in accordance with the confidentiality requirements or agreements that students have with their field placements, and students must ensure that they protect confidential information, the attorney-client privilege and the work-product doctrine. In lieu of a final examination for the seminar, students will be required to complete an in-depth written paper.

## **Grading**

Students will receive a letter grade for the seminar based primarily on their final paper, which can relate to either their field placement experience, a classroom discussion, or another approved topic, as well as the timely submission of their weekly journal entries. The weekly journal entries, however, will not be graded. In connection with their final paper, students must obtain topic approval and comply with all of the required deadlines to receive full credit. Active class participation by students in the seminar will enhance our discussions and our collective understanding of the issues. Class attendance is generally required, and class participation will be a part of the final grade for the seminar. I reserve the right to raise a student's grade based on the nature and extent of the student's class participation (*e.g.*, from *B+* to *A-*).

Finally, students seeking credit for Writing Requirement 1 should formally notify me at the beginning of the semester, and ensure that they comply with each of the additional applicable requirements.

## **Goals and Objectives**

HLDC's overarching goal is to enable students to blend their substantive doctrinal training with the development of practical skills and professional identity so that when they graduate they are better prepared to begin practicing law. The HLDC experience will also provide students with the following educational opportunities: (1) to increase knowledge of substantive areas of the law; (2) to observe and reflect on legal practice, professionalism, professional goals, and the lawyering role; (3) to be exposed to the history, goals, structure, values, rules and responsibilities of the legal profession; (4) to engage in legal analysis and research; (5) to develop and practice professional judgment in the context of solving legal problems; (6) to draft predictive, persuasive, and/or dispositional legal writing; (7) to develop other relevant professional skills, such as factual investigation, client interviewing and counseling; negotiation, drafting, oral advocacy, organization and management; (8) to recognize and resolve ethical dilemmas; and (9) to build a professional network of lawyers and non-lawyers for future professional development.

## **Course Materials**

- Wortham, Scherr, Maurer and Brooks, *Learning from Practice: A Text for Experiential Legal Education*, 3rd edition (West, 2016) [“Text”]
- U.S. Constitution, law reviews and other publicly available materials

## Weekly Assignments

### **TUESDAY, AUGUST 22: Course Overview/Introduction to Externships**

- Text, Introduction For Students, pp. xv-xviii
- Text, Chapter 1, pp. 1-13
- Text, Chapter 2, pp. 15-32
- **Note:** Your “Goals and Objectives” journal entry is due on **September 4**
- **Note:** The New York State Pro Bono Form is available at [http://www.nycourts.gov/attorneys/probono/AppForAdmission\\_Pro-BonoReq\\_Fillable.pdf](http://www.nycourts.gov/attorneys/probono/AppForAdmission_Pro-BonoReq_Fillable.pdf)

### **THURSDAY, AUGUST 24: Learning From Supervision and Journals**

- Text, Chapter 3, pp. 33-43, pp. 49-57
- Text, Chapter 8, pp. 203-219, pp. 229-234

### **TUESDAY, AUGUST 29: Ethical Issues In Externships**

- Text, Chapter 10, pp. 265-277
- Text, Chapter 11, pp. 279-293
- 28 U.S.C. § 530B

### **THURSDAY, AUGUST 31: Conflicts of Interest**

- Text, Chapter 12, pp. 299-312 (skim), pp. 313-329
- The HLDC Conflicts Form is posted on TWEN

### **TUESDAY, SEPTEMBER 5: Learning From Observation**

- Text, Chapter 4, pp. 59-81
- **Note: Paper topic is due on Sunday, September 10**

### **THURSDAY, SEPTEMBER 7: The Executive Branch**

- Article II, U.S. Constitution
- Vivian S. Chu, Todd Garvey, Executive Orders: Issuance, Modification, and Revocation, Congressional Research Service (April 16, 2014), available at <https://www.fas.org/sgp/crs/misc/RS20846.pdf>
- Understanding the Legal Challenges to Executive Action, available at [https://www.americanimmigrationcouncil.org/sites/default/files/research/understanding\\_the\\_legal\\_challenges\\_to\\_executive\\_action.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/understanding_the_legal_challenges_to_executive_action.pdf)
- *Potential Guest Speaker*

**TUESDAY, SEPTEMBER 12: The Judicial Branch**

- Article III, U.S. Constitution
- Excerpt from Obergefell v. Hodges (2015), posted on TWEN
- **Note:** Bring an article on judicial activism to discuss

**THURSDAY, SEPTEMBER 14: The Legislative Branch**

- Article I, U.S. Constitution
- Chai Feldblum, *The Art of Legislative Lawyering and the Six Circles Theory of Advocacy*, 34 McGeorge L. Rev. 785-815 (2003)
- **Note:** Please make sure you've signed up for the one-on-one meetings on TWEN beginning September 26, 2017.

**TUESDAY, SEPTEMBER 19: Federal Rulemaking**

- Maeve P. Carey, *The Federal Rulemaking Process: An Overview* (Cong. Res. Serv. June 17, 2013), available at <https://fas.org/sgp/crs/misc/RL32240.pdf> (pp. 1-8, skim pp. 9-12, pp. 15-17, skim pp. 18-25, pp. 25-28, skim pp. 28-32, pp. 32-33)
- **Note:** Paper outline is due on Sunday, October 1<sup>st</sup>

**THURSDAY, SEPTEMBER 21: No Class**

- **Note:** For October 5 Class – different readings depending on your placement

**TUESDAY, SEPTEMBER 26**

- One-on-one meetings

**THURSDAY, SEPTEMBER 28**

- One-on-one meetings

**TUESDAY, OCTOBER 3: The Impact of the Media**

- *Class Will Be Held at the Washington Post*
- *Guest Speaker*

**THURSDAY, OCTOBER 5: Issues in Different Placements**

- Text, Chapter 19, pp. 489-499, 502-515, 528-534 (Judicial)
- Text, Chapter 20, pp. 559-568, 572-576, 580-592, 595-602 (Criminal)
- Text, Chapter 21, pp. 605-625 (Public Interest)
- Text, Chapter 22, pp. 627-643 (Public Service)

**TUESDAY, OCTOBER 10: Think Tanks and Special Interest Groups**

- *Devaluing the Think Tank*, National Affairs, Winter 2012, available at <http://www.nationalaffairs.com/publications/detail/devaluing-the-think-tank>
- Lobbying and Special Interests, available at <https://journalistsresource.org/studies/politics/finance-lobbying/influence-interest-groups-public-policy-outcomes>
- **Note:** *Draft of paper is due on Sunday, November 5<sup>th</sup>*

**THURSDAY, OCTOBER 12: Lobbying**

- *Potential Guest Speaker*
- **Note:** Please make sure you've signed up on TWEN for next week's One-on-One meetings and the student paper presentations in the following weeks.

**TUESDAY, OCTOBER 17**

- One-on-One Meetings

**THURSDAY, OCTOBER 19**

- One-on-One Meetings

**TUESDAY, OCTOBER 24: Presentations**

- Text, Chapter 18, pp. 469-472, pp. 485-487

**THURSDAY, OCTOBER 26: Optional National Archives Field Trip**

- **Note:** *Date/Time to be determined (likely a.m.)*

**TUESDAY, OCTOBER 31: Student Paper Presentations**

- Student paper presentations to the entire class

**THURSDAY, NOVEMBER 2: Student Paper Presentations**

- Student paper presentations to the entire class

**TUESDAY, NOVEMBER 7: Student Paper Presentations**

- Student paper presentations to the entire class

**THURSDAY, NOVEMBER 9: Student Paper Presentations**

- Student paper presentations to the entire class

**TUESDAY, NOVEMBER 14 Networking and Career Planning**

- *Potential Guest speaker*
- Text, Chapter 26, pp. 725-734, pp. 743-754

**THURSDAY, NOVEMBER 16: DC Law Alumni Reception**

- **Note: Date/Time/Location to be determined**

\* \* \* **THANKSGIVING WEEK – NO CLASSES** \* \* \*

**TUESDAY, NOVEMBER 28: Navigating Cultural Differences**

- Text, Chapter 6, pp. 111-119, pp. 122-149, pp. 151-152
- **Note: Final evaluation form is due on December 6**

**THURSDAY, NOVEMBER 30: Work and Well-Being**

- Text, Chapter 25, pp. 699-708 (skim); pp. 708-721
- Legal Writing for Lawyers

**TUESDAY, DECEMBER 5: Looking Back and Looking Forward**

- Text, Chapter 28, pp. 799-806
- William Henderson, What Every Law Student Needs to Excel As An Attorney, available at <http://documents.jdsupra.com/8c22477c-17ac-47bo-94ef-6e1cac51c114.pdf>
- **Note: Final draft of paper is due on December 12**

**THURSDAY, DECEMBER 7: Additional Class**

- **Note: Only if make up date needed**

**Recap of Final Paper Deadlines**

***Topic - Sunday, September 10<sup>th</sup>***

***Outline - Sunday, October 1<sup>st</sup>***

***First draft - Sunday, November 5<sup>th</sup>***

***Final paper due - Tuesday, December 12<sup>th</sup>***