Civil Externship Program: Law 3822
Fall 2014
Professor Silberfeld
lawjzs@hofstra.edu; (516) 463-5928
Room 103C

**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.

Because you will be receiving academic credit for your work as externs, the expectation is that you will engage in meaningful and demanding work and receive regular, honest and comprehensive feedback and supervision by your field placement supervisors and other experienced legal practitioners. You will be expected to take part primarily in substantive legal work performed at your field placement, as opposed to focusing on ministerial or administrative work. The work you are assigned should be what is typically handled by a lawyer. It should be intellectually challenging, such that it will aid in your professional growth and development.

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 Tuesdays from 9:10 to 10:00 am in room 202. 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 their placement in particular or the practice of law in general. The journals are described in more detail below and in the course Calendar.
Course Requirements:

New York Rules of Professional Conduct: Since your externship will afford you with the opportunity to engage in the actual practice of law, you should be familiar or become familiar with the provisions of the New York Rules of Professional Conduct, which are available on Westlaw and Lexis and online at www.nycourts.gov/rules/jointappellate (click on the link to “Updated Part 1200 Rules of Professional Conduct”; the document can be saved in PDF format). We will spend some class time discussing some of these rules.

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 18 through Friday December 5, and including the week of Thanksgiving, the semester runs for 16 weeks, so you have some 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. In the objective portion of the journal, the students prepare a daily log of the work performed that week: day/date, brief description of each task, and total hours for the day. In the subjective portion of the journal, the students reflect upon or analyze a particular aspect of their externship experience or the legal profession generally.

As described in the course Calendar, each week the students are assigned a specific subjective journal topic that will be discussed during the next class. Each subjective journal entry should be at least 200 words.

Journals must be e-mailed to the professor no later than 6 pm every Sunday evening. The first journal is due Sunday August 31. 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.

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 weekly subjective journal topics and the reading assignments (if any) due each week.

Mid-Semester Conferences: Mid-semester conferences will be held during the week of October 20. 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 7. 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 and whether the externship met your expectations.

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 7.

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 Tuesday from August 26 through Tuesday November 25 from 9:10 to 10:00 am in room 202. 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.

I will circulate a sign-in sheet at the beginning of each class, which shall be dispositive evidence regarding class attendance. Each student is responsible for signing in. Falsification of sign-in sheets is a violation of the Code of Academic Conduct.

If you exceed the permitted number of absences, your final grade could be adversely affected and you could be administratively withdrawn from the course. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you are excessively absent from several classes, you may face additional sanctions, including but not limited to denial of certification of good and regular attendance to the New York State Board of Law Examiners, or other state bar examiners.

If you believe you will be absent from class for more than the permitted number of hours, you should speak with me as soon as possible. Accommodations may be made for students who must be absent for religious reasons, for medical reasons typically supported by a physician’s note, or in cases of truly compelling hardship or other extenuating circumstances.

It is essential that you prepare for each seminar, arrive on time, 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.

**Office Hours:** My office is in room 103(c). My e-mail address is lawjzs@hofstra.edu. My office phone number is (516) 463-5928. I have no set office hours, but I have a flexible schedule and am available to meet with students on most days any time between 10 am and 5 pm. Contact me via e-mail to make an appointment.

**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; submit a final evaluation of your externship experience; 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

<table>
<thead>
<tr>
<th>Date</th>
<th>Hours</th>
<th>Task</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/18</td>
<td>4</td>
<td>meet with Supervisor re: first assignment legal research re: elements of 1983 claim draft memo re: elements of 1983 claim</td>
</tr>
<tr>
<td>8/19</td>
<td>4.5</td>
<td>draft memo re: elements of 1983 claim review transcript of court proceeding re: motion to compel discovery attend staff meeting re: case updates</td>
</tr>
<tr>
<td>8/20</td>
<td>4</td>
<td>meet with supervisor to prepare for court appearance attend court hearing re: discovery schedule meet with supervisor to discuss court appearance attend witness interview draft memo summarizing witness interview</td>
</tr>
</tbody>
</table>

Total: 12.5 hours

Subjective Journal:

Start here, and write at least 200 words on the assigned topic.
Calendar
Externship Seminar Fall 2014
Tuesdays 9:10-10:00 am

Note: Journals are due every Sunday by 6:00 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 reflections or analysis of an aspect of the externship experience or the legal profession generally. Each week the students are assigned a specific subjective journal topic that will be discussed during the next Tuesday class.

First Week:

**Reading:** Course Syllabus and Calendar
Brochure: Keys to a Successful Externship

**Assignment:** Prior to the first class, send me an e-mail at lawjzs@hofstra.edu containing the name of the organization where you will be working, your supervisor’s name, your supervisor’s e-mail address, and, if you know, the practice area or areas in which you will be working (e.g., civil litigation, real estate, corporate, immigration, etc.). Also in that e-mail briefly list all previous legal work experience.

Class 8/26: Introduction

Second Week:

**Journal Due 8/31**
Subjective Journal Topic: Why you sought or accepted the position at your placement, and what your learning goals are for the semester, e.g., what legal skills you hope to improve or develop, what types of experiences and assignments you hope to get, etc. Also, describe any conversations you may have had with your supervisor about your learning goals.

**Reading:** In re County of Erie, 473 F.3d 413 (2d Cir. 2007)
“A Litigator’s Nightmare: Late Filing Costs Client $1 Million,” Wall Street Journal, Jan. 8, 2008 (to be e-mailed to the class in PDF format)

Class 9/2: Learning Goals
Confidentiality: Part I: The Attorney/Client Privilege
Third Week:

Journal Due 9/7
Subjective Journal Topic: Do you feel that law school has adequately prepared you for your externship?

Reading: Rule 1.6, New York Rules of Professional Conduct

Class 9/9: Confidentiality: Part II: Rule 1.6
Has law school adequately prepared you for your externship?

Fourth Week:

*Journal Due 9/14
What was your first impression of your placement? What legal work does your placement do? What are the job responsibilities of your supervisor and the other attorneys at your placement? Describe the career path of your supervisor, i.e., what prior jobs did your supervisor have that lead to his or her present position. (This will likely require you to talk to your supervisor about his/her background.)

Class 9/16: Discussion of the work done at your various placements

Fifth Week:

*Journal Due 9/21
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.

Reading: Rules 1.7-1.13 and 2.1, New York Rules of Professional Conduct

Class 9/23: Conflicts of Interest; for our class discussion, pretend our class is a law firm, we represent USF&G in its case against Star Fire Coals, the district court decision was handed down last month, and we are presently working on our Sixth Circuit brief. Be prepared to discuss USF&G’s arguments in support of its position.
Sixth Week:

*Journal Due 9/28
Subjective Journal Topic: Describe any ethical issues (other than confidentiality or conflict of interest issues) that have arisen in the context of your externship or at previous legal jobs. If none have arisen, identify an ethical issue pertinent to your externship that you’d like to discuss in class.

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 9/30: Miscellaneous Ethical Issues

Seventh Week:

*Journal Due 10/5
Subjective Journal Topic: (1) Assignment Clarification and (2) Supervisor Feedback: (1) Describe in detail an experience where you had to seek clarification about an assignment from a supervisor and how you handled it, e.g., what questions you asked, how your supervisor reacted, whether you were able to complete the assignment in a satisfactory and timely manner, etc., and (2) Describe the habits and characteristics of an effective supervisor; or describe examples of helpful feedback (positive or negative) you received from your supervisor; or describe what sort of feedback would motivate you to become a better practitioner.

Class 10/7: Assignment Clarification/Supervisor Feedback

Eighth Week:

*Journal Due 10/12
Subjective Journal Topic: Write your reaction to the article on professionalism by Justice Sandra Day O’Connor cited below.


Class 10/14: Professionalism
First question for discussion: what does the term “professionalism” mean?
Ninth Week:

*Journal Due 10/19
Subjective Journal Topic:
Describe the progress you have made achieving your learning goals for the semester up to this point; and what topics would you like to discuss at your conference next week?

NO CLASS: MID SEMESTER CONFERENCES

Tenth Week:

*Journal Due 10/26
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?

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 10/28: Going to Court

Eleventh Week:

*Journal Due 11/2
Subjective Journal Topic:
What makes a good mentor? Describe any efforts you’ve made to develop a relationship with a mentor. What advice have you received from someone you would consider a mentor? Describe any efforts you’ve made to network with other attorneys or externs.


Class 11/4: Mentoring and Networking
Twelfth Week:

*Journal Due 11/9
Subjective Journal Topic: Attorney Role Models: Read the articles listed below and then react to them, e.g., which lawyer would you most like to emulate and why, is there another attorney (real or fictitious) whose approach to the practice of law you admire and would like to write about, which practice area are you interested in and why, etc.

Reading: The following articles to be distributed in PDF form via e-mail:


Class 11/11: Attorney role models

Thirteenth Week:

*Journal Due 11/16:
Subjective Journal Topic: describe examples of good (or bad) lawyering that you’ve observed; what practice tips have you learned at your externship that you would like to pass along to your classmates.

Reading: 10 Habits Every New Lawyer Should Learn, lawjobs.com (to be distributed in PDF form via e-mail)

Class 11/18: Good and bad lawyering/practice tips
What we can learn about the practice of law from the movies
Fourteenth Week:

*Journal Due 11/23

**OBJECTIVE JOURNALS ONLY**
**NO SUBJECTIVE JOURNALS DUE 11/23**

Class 11/25: Final Observations and Reflections

Question for discussion: has your externship experience affected your career objectives

Other questions for discussion may be distributed in advance of class

**FINAL ESSAY DUE SUNDAY DECEMBER 7**

**TOPIC:** The final essay should be a subjective analysis of the student’s externship experience, covering whatever aspects of the externship the student feels are appropriate, but at a minimum should include the following: did I achieve my learning goals for the semester; did my externship meet my expectations.