

SYLLABUS

**LAWYERING SKILLS PRACTICUM I
LAW 557
SPRING 2019
PROFESSOR DEAN H. McVAY**

COURSE DESCRIPTION AND CREDIT HOURS

In LSP you will be “practicing law.” The core of your practice will be a civil problem. You will start the semester by forming a partnership (two students) and then will proceed to interview your client (some of you will also be clients), ascertain the facts, identify the facts relevant to your case, and research the applicable law to allow you to represent your client effectively.

LSP is a three-unit graded course.

PROFESSOR CONTACT INFORMATION

Professor	E-mail	Telephone	Class Hours	Rooms
Dean McVay	dmcvay@laverne.edu mcvay@lbbslaw.com	909.381.7166 (office) 909.730.5311 (cell)	Saturdays 9 a.m. – 11:50 a.m.	Room 219 (Moot Courtroom)

Teaching Assistant	E-mail	Telephone
Douglas Lusk	douglas.lusk@laverne.edu	(435) 760-2011

OFFICE HOURS

Office hours will be in the classroom 30 minutes before and after class, as needed, and by appointment. Please feel free to call or e-mail with questions or concerns, or to make arrangements to meet in person. The writing process can be frustrating and students sometimes find themselves “stuck” in one phase or another. Do not suffer in silence!

GOALS AND LEARNING OBJECTIVES

To learn how to practice law in a civil law firm and litigate a civil case from client interviews through Summary Judgment Motions and Settlement Conferences.

This semester-long 14-week course takes students through the various steps of managing a simulated case from inception to arbitration/mediation, requiring students to:

- Form a bar association;
- Interview clients and witnesses;
- Prepare pleadings;
- File pleadings with the Clerk of the Court;
- Serve the opposing party;
- Prepare a responsive pleading;
- Conduct discovery, including written discovery and oral depositions;
- File motions and/or responses to motions; and
- Conduct alternative dispute resolution.

At the end of this course, students should be able to:

1. Critically read and analyze a legal problem factually;
2. Identify and articulate a rule of law to be used in the analysis of a legal problem;
3. Develop and implement effective course management tools;
4. Draft well-structured motions/oppositions to address and resolve legal issues;
5. Properly argue motions before a trial court judge; and
6. Demonstrate the ability to follow directions (study skills/strategies).

TEXTBOOKS

Required:

“Civil Procedure Before Trial” (Law School Edition) by Weil and Brown, published by the Rutter Group. (3 Volume Set: Chapters 1-7; 8-9; 1-4, Tables & Index) (Paperback)

Recommended:

- The Harvard Law Review Association, *The Bluebook, A Uniform System of Citation* (19th ed. 2010) (unless the student chooses to purchase *Bieber's*).
- William Strunk, Jr. & E.B. White, *The Elements of Style* (4th ed. 2000).
- Bryan A. Garner, *The Redbook: A Manual on Legal Style* (2006) (highly recommended).
- Mary Miles Prince, *Bieber's Dictionary of Legal Citations* (7th ed. 2006).
- Bryan A. Garner, *The Winning Brief*.

Ask your law firm librarian for help with resources and research within the civil law firm context:

Appendix of Mission, Values and Learning Outcomes

University of La Verne Mission and Values

It is the mission of the University of La Verne to provide opportunities for students to achieve their educational goals and become contributing citizens to the global community.

The University of La Verne shares four core values that promote a positive and rewarding life for its students through fostering a genuine appreciation and respect for:

1. **Values Orientation.** The University affirms a philosophy of life that actively supports peace with justice, the health of the planet and its people. Therefore, in light of this affirmation, it encourages students to become reflective about personal, professional, and societal values. It also encourages values-based ethical behavior.
2. **Community and Diversity.** The University promotes the goal of community within a context of diversity. Therefore, it encourages students to understand and appreciate the diversity of cultures that exists locally, nationally, and internationally. It also seeks to promote appreciation and preservation of biodiversity by helping students understand the impact/dependence of human beings on their environment.
3. **Lifelong Learning.** The University commits itself to promoting education that facilitates lifelong learning. Therefore, it teaches students how to learn, to think critically, to do constructive research, and to access and integrate information in order to prepare them for continued personal and career growth.
4. **Community Service.** The University believes that personal service is a primary goal of the educated person. Therefore, it encourages students to experience the responsibilities and rewards of serving the human and ecological community.
- 5.

University of La Verne College of Law Vision, Mission, and Values

VISION

La Verne Law is an incubator for innovation in legal education, thought, and advocacy for individuals passionate about serving their communities and promoting access and justice.

MISSION

The mission of La Verne Law is to guide our students in the discovery of law and self as they prepare for the practice of law or other professional careers. Our faculty of scholars and teachers is committed to creating an innovative, collaborative learning environment designed to develop the knowledge and skills relevant to achieving individual and professional success.

Our mission encompasses educating, as well as enhancing the professional lives of, the members of the local, regional, national, and international communities we encounter – students, faculty, staff, administrators, alumni, members of the bench and bar, and others who pursue social justice.

Our mission is grounded in the core values of the University of La Verne – life-long learning, ethical reasoning and decision-making, diversity & inclusivity, and community & civic engagement.

Difference-making is our legacy.

CORE VALUES

University Values: As a College within the University of La Verne we adopt and endorse the University core values of Lifelong Learning, Diversity and Inclusivity, Community Engagement, and Ethical Reasoning.

College of Law Core Principles and Values: As an institution dedicated to teaching and training the next generation of lawyers and leaders, we operate institutionally and individually on the principles of professionalism, innovation, ethics, student centeredness and community enhancement. In our actions and interactions, we are and seek to be affirming, respectful, humble, accountable, committed, inclusive, empathetic, responsive, passionate, and positive.

University of La Verne College of Law Program Objectives

- A. Upon completion of the program of legal education, students will possess the skills and knowledge to enable them to pass any bar examination of their choosing.
- B. Upon completion of the program of legal education, students will possess those skills to participate as respected members of the legal profession.
- C. Upon completion of the program of legal education, students will model ethical, responsible, and professional behavior.
- D. Upon completion of the program of legal education, students will embrace cultural differences and civic and community engagement.

American Bar Association Standard 302: LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

In compliance with ABA Standard 302, the University of La Verne College of Law has established the following.

University of La Verne College of Law Program Learning Outcomes

1. Students shall demonstrate knowledge and understanding of substantive and procedural law.
2. Students shall demonstrate competence in legal analysis and reasoning.
3. Students shall demonstrate competence in conducting legal research.
4. Students shall demonstrate competence in problem-solving.
5. Students shall demonstrate competence in written and oral communication.
6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.
7. Students shall demonstrate competent litigation skills.
8. Students shall demonstrate competent transactional skills.
9. Students shall apply cultural competency while exercising their legal skills.
10. Students shall demonstrate competence in answering bar-style multiple-choice, essay, and performance test questions.

CLASS POLICIES AND STANDARDS: ATTENDANCE AND TARDINESS

Tardiness: Tardiness (10 minutes late or leaving 10 minutes early) constitutes one absence.

Attendance, Participation, and Preparation: Attendance is mandatory by order of the College of Law Manual of Academic Policy and Procedures:

Regardless of excuse, absences in excess of 20% of a class will result in the automatic exclusion of the student from that class. The effects of such automatic exclusion are as follows:

A student's first withdrawal for excessive absence from a course receives an F/0.0 unless the Associate Dean for Academic Affairs finds that the student should receive an IWF as defined in section IV.C below.

A student withdrawn for excessive absences for a second time from the same course receives an F/0.0 in the second registration in the course, with no right of appeal.

A student withdrawn for excessive absences a third time (whether in the same or different courses) receives an F/0.0 in that course, and in any subsequent courses from which the student is withdrawn for excessive absences, with no right of appeal.

The above provision of the M.A.P.P. indicates that in a fourteen week class that meets once a week, a student may miss two classes before being administratively dropped from the course. A third absence WILL result in an automatic withdrawal from LSP, which is a required class for graduation. This is school policy and is not at the discretion of the individual professor. While a student *may* miss two classes, it is not recommended that they do. An absence in court may be permitted only through a granted motion for continuance.

After providing notice, any faculty member may, in his or her sole discretion, mark as absent students who are unprepared.

NOTE: Consider this syllabus notice that if you are unprepared, disengaged, disrespectful, or otherwise uncooperative during a class time period, the managing partner reserves the right to ask you to leave the class and/or mark you absent (one absence).

Guided -Collaboration: Students will be working in teams to complete written assignments.

Each student should keep careful record of the work they did in creating each document. Also, each student is responsible for a weekly, individually authored, private “Memo to the Managing Partner.” You are responsible for carrying your share of the enormous workload in LSP. If it becomes apparent that you are not, your grade could differ significantly from your partner, even though you have filed the same written work.

Timely Completion of Assignments and Filing of Motions: All assignments are due by the stated deadline. Late work will result in sanctions.

Changes to Syllabus and Filing Deadlines: The professor and managing partner reserves the right to change the syllabus as necessary to accomplish the course objectives throughout the semester. Students will receive notice of any changes made.

CELLPHONE AND COMPUTER USAGE

Only the managing partners are permitted cell phone usage during class. If a student is caught texting or using a cellphone during class, the student will be asked to leave and an absence will be assessed.

Similarly, if a student is caught using social media, browsing the internet, IM’ing or emailing during class, the student will be asked to leave and an absence will be assessed.

MANDATORY CLASS ASSIGNMENTS

- * **BEFORE CLASS:** Read the assigned rule(s) themselves thoroughly, in addition to the textbook readings; and
- * **DURING CLASS:** Bring the relevant Rutter Group volume we are discussing to class so that you will be able to refer to it.

FEEDBACK: ASSESSMENTS AND CASE ROUNDS

The aim of the LSP program is to give students feedback on drafts and litigation techniques **BEFORE** they perform tasks for a client, or file motions either in this class or in practice. You are **REQUIRED** to circulate a draft of your work-in-progress to your managing partner/professor **BEFORE** you file the final draft.

A portion of your grade will be based on whether you effectively sought out feedback and incorporated suggestions. Do not wait until the last minute to turn in valuable work. Now is the time to learn valuable litigation skills and begin to cultivate sound discretion and a good work ethic.

DISABILITY ACCOMODATIONS

Students with disabilities should refer to the policies described at the University of La Verne *Disabled Student Services Handbook* [jas of September 13, 2017 located at](#)

<https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>], which can be found on the website of the University of La Verne Disabled Student Services website (<https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>) or at their office. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs.

Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, or you can contact the University of La Verne Disabled Student Services office; both listed below. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at <https://sites.laverne.edu/disabled-student-services/>

GRADING

The course is graded. A passing grade requires you to attend class; be on time; wear appropriate attire; hand in weekly Status Reports/Memo to File, which are thoughtful and contain your reflections on the practice of law; and, complete all the necessary work your client's case requires in a competent manner that demonstrates an understanding of the practice of California civil litigation.

Your grade will be based on the quality of your work, from interview to case resolution; your work ethic; and your ability to resolve conflict among your peers for the betterment of the practice of law and your client.

All assignments are due within the first five minutes of class or before class. Late submissions will receive point deductions and will be considered violations of professional responsibility norms.

The course grade will be determined as follows:

- Client interview (5%)
- Complaint/answer to complaint (5%)
- Deposition (taking) (5%)
- Deposition (defending) (2%)
- Written discovery - propounding (5%)
- Written discovery - responding (5%)
- MSJ Moving papers (30%)
- MSJ Opposition papers (20%)
- Reply papers (10%)
- MSJ hearing (5%)
- Mediation (3%)
- Timesheets/Memo to file (5%)

RUBRICS

Several rubrics have been constructed to help you understand what is expected of you. This is *an example of a rubric* for your courtroom exercises.

Criteria	Suggested Score
Student is very well prepared for class exercises. Student puts forth excellent effort in class exercises and class participation. Student is fully engaged and attentive in class. Student properly applies and understands correct substantive legal doctrine nearly all of the time. Student's attitude, demeanor and bearing are proper for appearing in court.	90-99 points
Student is adequately prepared for class exercises. Student puts forth satisfactory effort in class exercises and class participation. Student is satisfactorily engaged and attentive in class Student applies and understands correct substantive legal doctrine most of the time. Student's attitude, demeanor and bearing are mostly proper for appearing in court, but could use some polishing.	80-89 points
Student's preparation for class exercises is barely adequate. Student puts forth barely adequate effort in class exercises and class participation. Student's attention in class is barely adequate, and student is sometimes not engaged in class. Student applies and understands correct substantive legal doctrine roughly half of the time. Student's attitude, demeanor and bearing are mostly adequate for appearing in court, but student makes significant errors.	70-79 points
Student's preparation for class exercises is substandard. Student puts forth unsatisfactory effort to complete exercises and participate in class. Student frequently does not pay attention or is disengaged in class. Student rarely applies or understands correct substantive legal doctrine. Student's attitude, demeanor and bearing need serious correction before student should be permitted to appear in court.	60-69 points
Student is rarely or never prepared for class exercises. Student rarely puts forth effort to complete exercises and participate in class. Student rarely pays attention or engages in class activities. Student cannot apply or does not understand substantive legal doctrine. Student's attitude, demeanor and bearing are inappropriate for student for an appearance in court.	59 points and under

REQUIRED ASSIGNMENTS

On behalf of your client, you will file and serve all appropriate pleadings, conduct discovery, and file all motions you determine necessary to your case. You will be required to file a Motion for Summary Judgment and a response to one and argue your motion before a trial judge. Lastly, you will attempt to resolve your case at a Settlement Conference.

At the beginning of each class, starting with Week 2, you will be required to file a “Status Report” or “Memo to File,” along with your time sheets for the week. This Status Report/Memo is a description to your Managing Partner/Professor of the work you have been doing throughout the prior week. Timesheets are to have a description of the work you have been doing and the amount of time spent on that task, to the .1 hour (.1, .2, .3, .4, .5, .6, .7, .8, .9 and 1.0 increments or larger). Each member of the firm/partnership shall file their own Status Report/Memo and time sheets. These Status Reports/Memos will only be read by the Managing Partner/Professor.

You must be as reflective as possible in your weekly memo about the challenges that you faced each week and how you resolved conflicts. This is the place to discuss your frustrations and reveal the process of your research and writing. It is only through this type of engaged writing that your managing partner will be able to see when you are spinning your wheels in order to help you adjust and work more efficiently. If you are having problems with opposing counsel or your own partner, please discuss in detail those conflicts in your memo. If it is revealed that you engaged in a conflict, but it was never mentioned in your reflective memo, you may receive a point reduction in class.

ASSIGNMENTS/CLASS SCHEDULE

	<u>Topic/Reading Assignment</u>	<u>Assignment Due¹</u>
<p><u>Week 1</u></p> <p>Saturday 1/12/19</p>	<p>Divide into law firms. Appoint Rules Committee. Discuss professionalism and client counseling. Discuss interviewing techniques.</p> <p>Discuss retainer agreements.</p> <p>Divide into Law Firms to pick partners and select cases.</p>	<p>Discussion in class of rules governing attorneys practicing law; elect rules committee at the end of class; client interview exercise</p>

¹ Draft assignments are due during the class, and may be turned in before class. Final assignments must be served within 24 hours after class and a hard copy turned in the following class period. Therefore, Saturday’s assignments are due by Sunday at 11:50 a.m.

	<u>Topic/Reading Assignment</u>	<u>Assignment Due¹</u>
<u>Week 2</u> Plaintiff Client Interviews Saturday 1/19/19	Proposed Client Questions are due the night before via email to Professor and TA. Retainer Agreements due. Law firm associates decide which ones to use. READ: Rutter Group's "Civil Procedure Before Trial" – Chapter 1 – Prelawsuit Considerations	Status Report/Memo; Retainer Agreements; Rules Committee presents rules; client interviews; time sheets.
<u>Week 3</u> Plaintiff Client Interviews/Defendant Client Interviews Saturday, 1/26/19	Proposed Client Questions are due the night before via email to Professor and TA. Discussion about Discovery – READ: Rutter Group's "Civil Procedure Before Trial" – Chapter 2 and 3	Status Report/Memo; Conclude all client interviews. Discovery discussion and court room exercise; time sheets.
<u>Week 4</u> Defendant Client Interviews Complaints Saturday, 2/2/19	Research discovery tools and California Code of Civil Procedure sections on discovery. Lecture again on Discovery: Questions READ: Rutter Group's "Civil Procedure Before Trial" – Chapter 6 – Pleadings CASE ROUNDS: COMPLAINTS	Status Report/Memo. Discuss Complaint in class. Time sheets. Complaints due

	<u>Topic/Reading Assignment</u>	<u>Assignment Due¹</u>
<u>Week 5</u> Answers Saturday, 2/9/19	Research deposition practices. Lecture on Depositions: Rutter Group's "Civil Procedure Before Trial" – Chapter 7 – Attacking Pleadings CASE ROUNDS: ANSWERS	Status Report/Memo this week is to include a description of all discovery tools with cites to applicable sections of the CCP this week is to include a description of all discovery tools with cites to applicable sections of the CCP to File; Prepare response to complaint to be filed by deadline. Time sheets. Calendar all Depositions and prepare to serve deposition notices; ANSWERS due; Defendant file Notice of Depositions
<u>Week 6</u> Discovery And Depositions Saturday 2/16/19	Continue Research of Discovery Techniques and Practices. Rutter Group's "Civil Procedure Before Trial" – Chapter 8 – Discovery. DISCOVERY SHOULD BE SERVED	Status Report/Memo to File; Discovery. Time sheets. Depositions Begin – defendants taking Plaintiff depos.. Plaintiffs file Notice of Defendant Depositions; Discovery filed
<u>Week 7</u> Saturday 2/23/19 Discovery And Depositions	Continue Research of Discovery Techniques and Practices. Rutter Group's "Civil Procedure Before Trial" – Chapter 8 cont'd	Status Report/Memo to File; Discovery; Time sheets. Depositions continue.

	<u>Topic/Reading Assignment</u>	<u>Assignment Due</u>¹
<u>Week 8</u> Saturday, 3/2/19 (No class 3/9/19– spring break.) Depositions	Research Summary Judgment Motions; Discussion of Summary Judgment Motions. Rutter Group’s “Civil Procedure Before Trial” – Chapter 10	Status Report/Memo to File; Time sheets.
<u>Week 9</u> Saturday 3/16/19 1st Draft MSJ Due	Research Summary Judgment Motions.	Status Report/Memo to File; Discovery period ends (all discovery must be concluded today.) Bring draft of MSJ; Time sheets.
<u>Week 10</u> Saturday 3/23/19 MSJ Due	Research Summary Judgment Motions and Oppositions. MSJs Due Rutter Group’s “Civil Procedure Before Trial” – Chapter 9D and 9E – Hearings and Post Hearings	Status Report/Memo to File; Bring draft of MSJ. Time sheets. Bring Final Draft Summary Judgment/Summary Adjudication Motions to class (serve by Tuesday, 10/31/17 at 11:50 a.m. Time sheets.
<u>Week 11</u> Saturday, 3/30/19 MSJ Opposition Due	Research Summary Judgment Motions and Reply Briefs. Rutter Group’s “Civil Procedure Before Trial” – Chapter 12 Part II – Settlement Procedures and Chapter 13 - Judicial Arbitration and Mediation	Status Report/Memo to File; MSJ Oppositions due.

	<u>Topic/Reading Assignment</u>	<u>Assignment Due</u>¹
<u>Week 12</u> Saturday, 4/6/19 MSJ Reply Due	Research Oral Argument Skills at Law and Motion/Summary Judgment Hearings. Rutter Group’s “Civil Procedure Before Trial” – Chapter 12, Part II – Settlement Procedures and Chapter 13 - Judicial Arbitration and Mediation	Status Report/Memo to File; Time sheets; File and serve MSJ Replies.
<u>Week 13</u> Saturday, 4/13/19 Hearings on MSJs	Research Mediation Skills, Settlement Conferences, Arbitrations. Discuss Mediation Statements	Status Report/Memo to File; Time Sheets Due; Hearings on MSJs and Mediations
<u>Week 14</u> Saturday, 4/20/19 Mandatory Settlement Conferences Self reflections	Final Self evaluations are due by 11:50 a.m., April 21, 2019	Self-Evaluations/Class Evaluations

Calendar:

Complaints		
Answers		
Plaintiff Notice to Take Party Deposition		
Plaintiff Depositions of Opposing Party		
Defendant Notice to Take Party Deposition		
Propound Discovery (Both Parties)		If you need more time or you want to file more discovery, please meet and confer. Keep the deadline for discovery in mind. And the fact that every motion requires 7 days for reply. File early.
Plaintiff & Defendant Depositions of Opposing Party		
Defendant Depositions of Opposing Party		
DEADLINE FOR ALL DISCOVERY – Any remaining Defendant Depositions		
MSJ		
OPP MSJ		
Reply		
Hearings		
Mediation Statements		