



# NEW CLINICIANS' TOOL KIT

**Stephanie Glaberson**  
Clinical Teaching Fellow  
Civil Litigation Clinic  
Georgetown University Law Center

**Zina Makar**  
Clinical Teaching Fellow  
Pretrial Justice Clinic  
University of Baltimore School of Law

**Shanta Trivedi**  
Clinical Teaching Fellow  
Bronfein Family Law Clinic  
University of Baltimore School of Law



# Helpful Readings<sup>1</sup>

## Seminar

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Stephen D. Brookfield & Stephen Preskill, *DISCUSSION AS A WAY OF TEACHING: TOOLS AND TECHNIQUES FOR DEMOCRATIC CLASSROOMS* (2d ed. 2005).

Susan Bryant & Elliot S. Millstein, *Rounds: A 'Signature Pedagogy' for Clinical Education?* (2007). NYLS Clinical Research Institute Paper No. 07/08-5; American University, WCL Research Paper No. 08-17. Available at SSRN: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1007504](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1007504)

Susan Bryant et. al, *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY* (1<sup>st</sup> ed. 2014).

Deborah Epstein, Jane Aiken & Wallace Mlyniec, *THE CLINIC SEMINAR* (1st ed. 2014).

Carolyn Grose & Margaret E. Johnson, *LAWYERS, CLIENTS & NARRATIVE: A FRAMEWORK FOR LAW STUDENTS AND PRACTITIONERS* (Electronic Teacher's Manual also available) (2017).

Alex J. Hurder et al., *CLINICAL ANTHOLOGY: READINGS FOR LIVE-CLIENT CLINICS*, (2d ed. 2011).

Margaret E. Johnson, *Integrating Critical Legal Theory & Clinical Education*, 13 AM. U. J. GENDER SOC. POL'Y & L. 161 (2005)

Helen H. Kang, *Use of Role Play and Interview Modes in Law Clinic Case Rounds to Teach Essential Legal Skills and to Maximize Meaningful Participation*, 19 CLINICAL L. REV. 207 (2012).

Grant Wiggins & Jay McTighe, *UNDERSTANDING BY DESIGN* (2d ed. 2005).

## Supervision

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Binder, Bergman, Tremblay & Weinstein, *Lawyers As Counselors: A Client-Centered Approach* (4th ed. 2019)

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<sup>1</sup> Compiled by Stephanie Glaberson, Zina Makar, Nickole Miller & Shanta Trivedi.

David. F. Chafkin, *CLINICAL LEGAL EDUCATION: A TEXTBOOK FOR LAW SCHOOL CLINICAL PROGRAMS* (2001)

Jennifer A. Gundlach, *"This is a Courtroom, Not a Classroom": So What is the Role of the Clinical Supervisor?*, 13 *CLINICAL L. REV.* 279 (2006).

Jennifer Howard, *Learning to "Think Like a Lawyer" Through Experiences*, 2 *CLINICAL L. REV.* 167 (1995).

Tonya Kowalski, *Toward a Pedagogy for Teaching Legal Writing in Law School Clinics*, 17 *CLINICAL L. REV.* 285 (2010).

Stefan H. Krieger & Richard K. Neumann, Jr., *ESSENTIAL LAWYERING SKILLS* (5th ed. 2015)

Serge A. Martinez, *Why Are We Doing This? Cognitive Science and Nondirective Supervision in Clinical Teaching*, 26 *KAN. J.L. & PUB. POL'Y* 24 (2016).

Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy*, 18 *CLIN. L. REV.* 505 (2012)

Ann Shalleck, *Clinical Contexts: Theory & Practice in Law & Supervision*, 21 *N.Y.U. REV. L. & SOC. CHANGE* 109 (1993-1995).

Colleen F. Shanahan & Emily A. Benfer, *Adaptive Clinical Teaching*, 19 *CLINICAL L. REV.* 517 (2013).

Jayashri Srikantiah & Janet Martinez, *Applying Negotiations Pedagogy to Clinical Teaching: Tools for Institutional Client Representation in Law School Clinics*, 21 *CLINICAL L. REV.* 283 (2014).

Jo A. Tyler & Faith Mullen, *Telling Tales in School: Storytelling for Self-Reflection and Pedagogical Improvement in Clinical Legal Education*, 18 *CLINICAL L. REV.* 283 (2011).

## Scholarship

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Brian D. Galle, *The Law Review Submission Process: A Guide for (and by) the Perplexed* (August 12, 2016). Available at SSRN: <https://ssrn.com/abstract=2822501>.

Martha Minow, *Archetypal Legal Scholarship: A Field Guide*, 63 J. LEGAL EDUC. 65 (2013).

Allen K. Rostron and Nancy Levit, Information for Submitting Articles to Law Reviews & Journals (January 19, 2019). Available at SSRN:  
<https://ssrn.com/abstract=1019029> or <http://dx.doi.org/10.2139/ssrn.1019029>.

Pierre Schlag, *The Law Review Article*, 88 U. COLO. L. REV. 1043 (2017).



Seminar





# IMMIGRANT RIGHTS CLINIC I

LAW 800K, SECTION 511



## WHAT'S INSIDE:

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## Course Description:

Students enrolled in the clinic represent low-income immigrants seeking various forms of relief from removal. Under the supervision of faculty members, students are responsible for all aspects of representing their clients, including interviewing and counseling clients, preparing witnesses, engaging in fact investigation, conducting legal research, drafting litigation documents, and oral advocacy. Students may also engage in advocacy efforts involving issues faced by immigrant communities. Students will attend a weekly seminar focused on substantive law and legal skills and are expected to devote approximately 20 hours per week to clinic activity.

## Learning Goals

Successful students who have completed the Immigrant Rights Clinic will be able to:

- Counsel a client with respect to immigration options, and with reference to the rules of professional conduct
- Develop comprehensive interview plans for their clients
- Conduct an interview with a client that results in the collection of sufficient information to further the case objectives
- Assess the best strategies for obtaining client goals
- Articulate the legal theories in support of the client's possibilities for relief
- Explain the basis of relief sought in a manner the client can understand
- Imagine how the immigration system could function better for their clients
- Prioritize their time to meet multiple clinic deadlines
- Improve their case theories through ongoing fact investigation and client interviewing
- Build a case plan that will integrate the facts and theory of their cases



## Grading

- Case Development and Case Planning: 20%
- Client Interviewing and Counseling: 15%
- Oral and Written Advocacy in Cases: 20%
- Professionalism: 15%
- Seminar Participation: 15%
- Reflection and Self-Evaluation: 15%
- NOTE: Each of these categories is defined in detail in the Clinic Manual, Part 1. You will also receive a mid-semester written evaluation from your supervisor to let you know how you are doing in each area.

## Course Expectations

- Students are required to complete an average of 20 hours of clinic work per week. This includes seminar, supervision meetings, time spent reading for seminar, and client work.
- Students should select two weekly two-hour blocks during normal business hours during which time the student will be in the Clinic space.
- Students are expected to arrive on-time for all seminar, supervision, and client meetings as well as any court dates.
- Students should have completed the assigned reading and be prepared to participate in seminar discussions, simulations, and exercises. Deadlines for various clinic assignments are included in the next section.
- General clinic assignments as well as supervision assignments should be submitted in the manner requested no later than the deadline. For more information, please see the Clinic Manual.

**“Every moment is an organizing opportunity, every person a potential activist, every minute a chance to change the world.”  
-Dolores Huerta**

## Website

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information and syllabus updates.

**Professor Liz Keyes**  
ekeyes@ubalt.edu  
410.837.5666  
Room 432

**Professor Nickole Miller**  
nmiller2@ubalt.edu  
410.837.5732  
Room 434

**Administrative Assistant**  
**Terry Berk**  
tberk@ubalt.edu  
410.837.5709  
Room 200  
Office Hours:  
M-F, 8AM-4:30PM



## Academic Integrity

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. The School of Law Honor Code and information about the process is available at <https://goo.gl/vcDF6P>

## Title IX Sexual Harassment and Sexual Misconduct Policy

The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

## Disability Policy

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).

## Class Cancellation

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**ORIENTATION****8/22/2017**

**ASSIGNMENT:** Before class, review the MD Rules of Professional Governing Admission to the Bar, MD Attorneys' Rules of Professional Conduct, & 8 CFR §1292.1(a)(2). Copies on TWEN.

**READINGS (on TWEN):**

- Clinic Manual, Parts I and II
- Liz Bowie, *Unsettled Journeys: A Three-Part Series*
- Eduardo Briceño, *Why Understanding These Four Types of Mistakes Can Help Us Learn*

**GOALS:** Introduce you to clinic vision and procedures, start considering tools of persuasion & have fun!

**PLAN AHEAD:** You need to introduce your client's case to your classmates on Thursday.

**CULTURAL COMPETENCE & INTERPRETERS****THURSDAY 8/24/2017**

**ASSIGNMENT:** Come to class prepared to briefly introduce your client to your classmates. What kind of case is this? Where is your client from? What does their immigration path seem to be?

**READINGS:**

- Sue Bryant & Jean Koh Peters, *The Five Habits: Building Cross-Cultural Competence in Lawyers*
- Phil Schrag & Jeff Kenney, *Asylum Denied*
- Angela McCaffrey, *Don't Get Lost in Translation: Teaching Law Students to Work with Language Interpreters*
- Muneer Ahmad, *Interpreting Communities*

**GOALS:** Define cultural competence and explore tools for improving, and learn techniques for effective collaboration with interpreters.

**PLAN AHEAD:** Your draft interview plan is due on 8/27. See TWEN for details.



## INTERVIEWING

8/29/2017

**ASSIGNMENT:** Interview Plan (on TWEN), due 8/27/2017 at 10pm.

**READINGS:**

- Robbenholt & Sternlight, *PSYCHOLOGY FOR LAWYERS*
- Carol M. Suzuki, *Unpacking Pandora's Box*
- Stephen Ellman, *Connection Across Difference and Similarity*
- Optional: 3 minute clip from RSA and Brené Brown on empathy, available at <https://goo.gl/V5qfiU>

**GOALS:** Take an in-depth look at how lawyers and clients approach interviewing, learn client-centered interviewing techniques, examine interview stages, & practice!

**PLAN AHEAD:** After this seminar, and before the next, you should have your first client interview. You need to submit BOTH interview notes AND a reflection memo within 24 hours of the interview.

## Breakfast and File Clean-Up: Thursday, August 31 at 9am!

## NARRATIVE &amp; CASE THEORY

9/5/2017

**ASSIGNMENTS:** (1) Week 3 Reflection Memo (email to supervisor before seminar). (2) Look at the photo on TWEN (under Week 3) and write a one-paragraph fiction story about what the photo shows.

**READINGS:**

- Binny Miller, *Teaching Case Theory*
- Stacy Caplow, *Putting the "I" in Writing: Drafting an A/Effective Personal Statement to Tell a Winning Refugee Story*
- Rachel Aviv, *The Refugee Dilemma*



**GOALS:** Study the elements of narrative, and apply them to our own cases. Define and practice creating a case theory, and understand why it matters. This is also a great week to remember that lawyering takes creativity!

**PLAN AHEAD:** Your case theory is due to your supervisor on 9/10.

FACT INVESTIGATION & CASE  
PLANNING

9/12/2017

**ASSIGNMENT:** Case theory (on TWEN) is due to your supervisor by 10pm on 9/10. Reflection memo (emotional side of law on TWEN) is due by seminar time on 9/12.

**READINGS:**

- Agata Szypszak, *Where in the World is Dr. Detchakandi? A Story of Fact Investigation*
- *Problem-solving lawyers*
- David Chavkin, *Fuzzy Thinking: A Borrowed Paradigm for Crisper Lawyering*
- Grose, et al., *Fact Investigation, Development & Case Planning*

**GOALS:** Connect case theory to fact investigation; define and build factual propositions, and test their strength; consider how to prioritize facts and undertake fact investigation.

**PLAN AHEAD:** Your case plan is due next week, and is a big piece of work. Look at the assignment on TWEN.

## COLLABORATION &amp; ORGANIZING

9/19/2017

**ASSIGNMENT:** Case plan is due to supervisor on 9/17 by 10pm.

**READINGS:**

- Alexi Freeman, *Teaching for Change*
- Sue Bryant, *Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession*



**GOALS:** Understand the difference choices we have about how to collaborate, and consider in detail how lawyers collaborate with organizers and other social change agents.

**PLAN AHEAD:** Your mid-semester self-evaluation are due October 1 (See TWEN).

## EVIDENCE

9/26/2017

**ASSIGNMENT:** Reflection memo (time management) due by start of class on 9/26.

**READINGS:**

- Deborah Anker, et al, *Any Real Change? Credibility and Corroboration After the REAL ID Act*
- Other readings TBD

**GOALS:** Understand what evidence is permitted and what evidence is required in immigration cases; articulate strengths and weaknesses of various pieces of evidence, and learn how to make those arguments in court

**PLAN AHEAD:** Your mid-semester self-evaluation (details on TWEN) is due by 10pm on 10/1. Your reflection memo on a visit to immigration court is due on October 3rd. Everyone is required to conduct the court visit and submit a memo. See TWEN for details.

## MASTER CALENDAR HEARING

10/3/2017

**ASSIGNMENT:** Mid-semester self-evaluation (details on TWEN) due by 10pm on 10/1. Immigration Court reflection memo due by start of class on 10/3.

**READINGS:**

- Immigration Court Practice Manual, §§ 4.1 – 4.15, Appendix M
- Dree K. Collopy, Melissa Crow, & Rebecca Sharpless, *Challenges and Strategies Beyond Relief*
- Optional: Julia Preston, *Deluged Immigration Courts*; U.S. GAO, *Variation Exists in Outcomes of Applications*; & Julia Preston, *Migrants in surge fare worse in immigration court*



**GOALS:** Learn how to prepare for a master calendar hearing, strategize about when and how to put the government to its burden, & explore due process issues in the immigration court.

**PACK YOUR BAGS!** Class next week will be at the US Supreme Court in DC for oral arguments in *Trump v. Hawaii* (Travel Ban case).



# SUPREME COURT ORAL ARGUMENTS & CREATIVE LAWYERING

10/10/2017

**ASSIGNMENT:** Creative Lawyering Assignment due on 10/8 at 10pm. See TWEN for details.

**READINGS:**

- *Problem-solving Tools in Immigration*
- National Immigration Forum, *Media Tools*
- Optional: Familiarize yourself with *Trump v. Hawaii* & *Trump v. International Refugee Assistance Project*. SCOTUSblog is a good place to start.

**GOALS:** Appreciate situations when litigation may not be the answer, or when cases are not going according to plan, to see how creative problem-solving can help. Practice using tools for solving problems in the immigration context.

For class this week we will be traveling to DC for oral arguments in the Travel Ban cases. Students will observe rallies and other actions outside the US Supreme Court. Please wear comfy shoes and weather appropriate attire.

# DIRECT EXAMINATION

10/17/2017

**ASSIGNMENT:** Reflection memo (education and advocacy) due by start of class on 10/17.

**READINGS:**

- Caldwell, et al, *Primacy, Recency, and Pathos in Direct Examination*
- AILA Asylum Primer, *Practice Pointers on Direct and Cross Examination*



**GOALS:** Understand what the challenges of an effective direct examination are and how to structure your direct to avoid those challenges. Understand your audiences in giving the direct.

Classs on 10/17 starts at 8:30AM

**CLOSING STATEMENTS****10/24/2017**

**ASSIGNMENT:** We will have time in class for mini-rounds. We encourage you to come to class ready to discuss any remaining issues in your case. Take advantage of the IRC brain trust!

**READINGS:**

- Immigration Trial Handbook
- Fundamentals of Trial Advocacy, *Closing Statements*
- *Rites and Rituals: How Lawyers Really Prepare for a Trial*

**GOALS:** Explore elements of an effective closing statement and discuss trial preparation techniques.

**Class on 10/24 starts at 10:00AM**

**MOOTS****10/31/2017**

**ASSIGNMENT:** Come to class with written notes (NOT a script) for the closing statement in your client's case. If working with a partner, collaborate on the structure and style and notes. The student who plans to do the closing at trial should be prepared to deliver the statement in class. Additionally, please come to class ready to moot one additional aspect of your case (e.g. direct examination of the respondent or laying foundation for evidence).

**READINGS:**

- Review power point on closing
- Review rubric we will use to critique your closing

**GOALS:** Deliver an effective closing statement, experiment with structure and delivery, practice giving constructive critiques.

**PLAN AHEAD:** Only two more classes! Start thinking about what needs to be done to wrap up your cases.

## INDIVIDUAL HEARINGS

11/7/2017

**NO CLASS THIS WEEK.**

**Good luck in court!**

## ETHICS

11/14/2017

**ASSIGNMENT:** Reflection memo (ethics) due by class time on 11/4.

**READINGS:**

- Reid F. Trautz, *When Good Lawyers Go Bad*
- Keyes, *Zealous Advocacy*
- Additional reading TBD

**GOALS:** Consider ethics as applied to particular work we do in clinic; discuss ethics and morals and their interplay with written rules and unwritten cultural norms; appreciate the complexities and ambiguities within the rules

**PLAN AHEAD:** You must turn in the following to your supervisor by the last day of class: (1) Transfer or closing letter to client, (2) Transfer or closing memo to the file, & (3) Any outstanding written work-product for your case (this will vary from case to case, so if you have questions, ask your supervisor).

**ASSIGNMENT:** Draft of case transfer/closure documents due by seminar time on 11/21.

**READINGS:**

- Quigley, *Letter to a Law Student*
- *The Creative Lawyer*

**GOALS:** Reflect upon the arc of the semester, where you started, where you ended, and what you learned about law, lawyering, and yourself along the way.

**PLAN AHEAD:** Final reflection memo due to your supervisor by 10pm on 12/3. All case files must be organized per our new filing system by the end of the semester.



**CONGRATULATIONS!**

You made it to the end of the semester! Please take a moment to reflect back on all you learned and accomplished in just 14 weeks. We hope you leave this semester inspired, proud of your enhanced lawyering skills, and committed to public service. Please keep in touch.

**CIVIL ADVOCACY CLINIC**  
**University of Baltimore School of Law**  
**Grading Criteria**  
**Professors Michele Gilman & Dan Hatcher**

As part of the mid-semester evaluation conference, you are required to write a detailed self-evaluation memorandum. The areas to be addressed in this memorandum are the same that faculty use in evaluating your performance in the course.

In determining final grades and in evaluating performance, faculty review your work file, the case files on which you worked, and notes and agendas from weekly team meetings. Faculty will also consider personal observations of your performance in the seminar, in the trial advocacy class, on cases, and in other Clinic activities. In grading, faculty place particular emphasis on any improvements in your performance over the course of the semester.

The specific self-evaluation and grading criteria with percentage allocations are as follows:

**1. Attorney-Client Relationship 15%**

Fostered active participation of clients in cases; recognized the client as ultimate decision-maker in the attorney-client relationship; identified and evaluated client goals through effective interviewing techniques; effectively counseled clients on available options; advised clients of significant developments in their cases; and was attentive to the political and social contexts in which individual cases arise.

**2. Case Development and Planning 15%**

Conducted thorough fact investigation and reliable, comprehensive legal research; engaged in creative and thorough issue identification and legal analysis; anticipated legal and factual arguments from adversaries; demonstrated initiative and creativity in developing and implementing case strategy; used procedural and evidentiary rules to the client's advantage.

**3. Time and Case Management 15%**

Maintained and managed work load in order to meet obligations to clients and the Clinic; met deadlines for case preparation; punctually attended all client meetings, court appearances and supervision meetings; meticulously recorded case activity and maintained case files with documentation of interviews, telephone conversations, correspondence, memoranda, pleadings and orders both in paper case file and in electronic version.

**4. Oral and Written Advocacy in Cases 10%**

Meticulously and timely prepared all written correspondence, pleadings and other

documents; thoroughly researched drafts of memoranda and briefs; expressed thoughts orally and in writing with precision, clarity and economy; responded to faculty comments to improve drafts; thoroughly prepared all moots, all direct and cross-examinations, and all oral arguments; demonstrated an ability to be understood by and to persuade the tribunal.

#### **5. Professionalism 15%**

Collaborated effectively as a member of a team with other student attorneys and supervising faculty members, including participation in and/or observation of teammate's client interviews, court appearances, case planning, pleadings, etc.; professionally interacted with adversaries, court personnel, witnesses, and Clinic staff; secured the necessary approval from the supervisor before acting; consulted with the supervisor in the event of a suspected mistake; demonstrated an ability to identify and address ethical, ideological, or personal considerations bearing on a case or the attorney-client relationship.

#### **6. Self-Reflection and Professional Development 15%**

Engaged in goal-setting and strategic planning before each lawyering activity; employed comprehensive and rigorous self-critique of all clinic performances; identified individual strengths and weaknesses to improve as an attorney during the course of the semester and beyond, and demonstrated significant growth in these areas. During or shortly after a lawyering experience commented on feelings or reactions toward that experience; articulated how successes or challenges from that experience relate to one personally, to the role of lawyer, to the legal system, and to broader society; identified and implemented steps in order to apply lessons learned in the future. Strove to continually improve lawyering and critical thinking skills throughout the semester based on ongoing self-reflection and external feedback.

#### **7. Trial Advocacy 10%**

Punctually attended all trial advocacy sessions; thoughtfully prepared all trial advocacy exercises; reviewed videotapes and critically evaluated performance of self and other student attorneys; employed feedback to improve performance; suggested issues for class discussion; participated in class critiques.

#### **8. Seminar Participation 5%**

Punctually attended all class meetings; completed all seminar assignments on time; thoroughly prepared for and participated in firm meetings, individual presentations, simulations and class discussions; suggested issues and cases for class discussion; thoughtfully prepared and completed trial advocacy assignments; reviewed videotapes and critically evaluated performance of self and other student attorneys; employed feedback to improve performance.

**Evaluation and Grading<sup>1</sup>****[SEMESTER]**

Student Name:

Date:

**1. Attorney-Client Relationship 20% Score: \_\_\_/20**

Effectively represented client in client-centered manner; (2)		
Fostered active participation of clients in cases; (2)		
Recognized the client as ultimate decision-maker in the attorney-client relationship; (2)		
Listened carefully to client's story and prepared for and conducted thorough interviews of clients that obtained relevant and detailed facts and responded to any issues raised by client; (2)		
Identified and evaluated client goals through effective interviewing techniques; (2)		
Prepared for and effectively counseled clients on available options; (2)		
advised clients of significant developments in their cases; (1)		
Reassessed goals as new facts emerged or legal context changed; (2)		
Identified and examined judgments and assumptions related to case; (2)		
Was attentive to the political and social contexts in which individual cases		

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<sup>1</sup> Created by the Bronfein Family Law Clinic, University of Baltimore School of Law.

arise; (1)		
Demonstrated client-centered lawyering during supervision meetings, case rounds and seminars. (2)		

## 2. Legal Analysis

10% Score: \_\_\_\_\_/10

Identified relevant facts, inconsistencies among facts, and the reliability of asserted facts; (.5)		
given the relevant and reliable facts, determined rules of law relevant to framing legal issues (e.g., statutes, regulations, case law, court rules, secondary authorities) by using all authorities necessary and sufficient to frame and resolve the legal issues while not including superfluous or improper authorities; (.5)		
provided sufficient information to make the relevance of the authority apparent (e.g., by providing an adequate synopsis, or a quote and synopsis); (.5)		
formulated legal rules appropriately; (1)		
identified elements of rules appropriately; (1)		
determined trends in interpretation or application of laws where appropriate; (.5)		
identified discrete significant legal issues raised by the facts; (.5)		
Given fact analysis, the law,		



and the resulting identification of legal issues, identified and organized arguments and counter-arguments in terms of claims, defenses, or other legal results; (1)		
sequenced a complete range of legal theories in accordance with some systematic ordering principle; (.5)		
grouped and categorized facts in terms of the legal issues and rules; (.5)		
showed why some application of a legal rule calls for an extension, limitation, or rejection of another rule when appropriate; (.5)		
separated, combined and sequenced arguments to formulate a legal theory; (.5)		
demonstrated the ability to sequence a complete range of legal theories in accordance with some systematic ordering principle; (.5)		
given a legal theory or alternative legal theories, showed the ability to predict the decision of an authoritative source; (.5)		
identified the predisposition of a particular decision-maker or class of decision-makers (e.g., characteristics of the decision-maker, workings of the decision-maker's institution, patterns of previous decisions, reasons given for previous		

decisions); (.5)		
identified compelling equities recognized by the law or inherent to the fact situation; (.5)		
and determined relative effectiveness of a legal theory or alternative legal theories. (.5)		

**2. Case Development and Planning 15% Score: \_\_\_\_\_/15**

Planned for and conducted thorough fact investigation and reliable, comprehensive legal research; (2)		
Engaged in creative and thorough issue identification and legal analysis; (3)		
Created and reviewed case theory with client; (2)		
Anticipated legal and factual arguments from adversaries; (1)		
Demonstrated initiative and creativity in developing and implementing case strategy; (1)		
Used procedural and evidentiary rules to the client's advantage; (2)		
Created project theory for community-based projects; (2)		
Used project theory and case planning in order to develop presentations, testimony, and/or other materials in community-based projects. (2)		

**3. Time and Case Management 10% Score: \_\_\_\_\_/10**

Maintained and managed work load in order to meet		
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obligations to clients, partners, community-based project team members or partners, supervisors, and the Clinic; (2)		
Provided supervisor, partner, and teammates with seminar assignments, meeting agenda, time sheets and task lists by the required deadlines; (2)		
Met deadlines for case preparation; (2)		
Punctually attended all seminars, client meetings, court appearances and supervision meetings; (2)		
Meticulously recorded case activity, CorpusLex and maintained hard copy and electronic R-Drive case files with documentation of interviews, telephone conversations, correspondence, memoranda, pleadings and orders. (2)		

**4. Oral and Written Advocacy in Cases 20% Score:     /20**

Meticulously prepared all seminar assignments, written correspondence, pleadings, community-based project materials, legislative advocacy materials; (2)		
Thoroughly researched drafts of memoranda, briefs, community-based project materials, and legislative advocacy materials; (4)		
Expressed thoughts orally and in writing with precision, clarity, and economy; (2)		
Responded appropriately to		

faculty comments to improve drafts; (2)		
Thoroughly prepared for all simulations, moots, court appearances, and community-based or legislative advocacy events; (2)		
Actively reviewed work product of partner or teammates and provided effective, concrete and constructive feedback; (2)		
Demonstrated an ability to be understood by and to persuade the tribunal, community-based project audiences, and legislative advocacy audiences (2)		
Effectively negotiated client's case by explaining client's goals, conducting information gathering and information blocking as necessary, determining the client's best alternative to a negotiated agreement, and employing appropriate styles and strategies during negotiation; (2)		
Effectively mediated client's case pursuant to client's goals. (2)		

**5. Collaboration and Professionalism 10% Score: \_\_\_\_/10**

Engaged in shared decision-making with partner and project team; (.5)		
Learned from differences with partner and project team; (.25)		
Produced work in a timely fashion so that partner and project team can give feedback on and contribute		

to joint work product; (.5)		
Shared work product and research with colleagues when appropriate; (.25)		
Contributed to the educational environment by sharing information; (.25)		
Contributed to the overall service goals of the office by helping others with moots or other client or project work; (.25)		
Worked consistently to build and maintain trusting relationship with partner and project team; (.5)		
Addressed collaboration-related concerns appropriately; (.5)		
Professionally interacted with others in a civil, polite and responsible manner; (.5)		
had patience; (.5)		
showed empathy; (.5)		
demonstrated a strong work ethic; (.5)		
had integrity; (.5)		
showed accountability; (.5)		
is prepared; (.5)		
worked until task is complete; (.5)		
acted on facts rather than emotion; (.25)		
was punctual and had solid attendance; (.5)		
communicated clearly and		

timely; (.5)		
ensured their appearance is appropriate; (.25)		
secured the necessary approval from the supervisor before acting; (.5)		
consulted with the supervisor in the event of a suspected mistake; (.5)		
demonstrated an ability to identify and address ethical, ideological, or personal considerations bearing on a case, legislative advocacy project or community-based project, or the attorney-client relationship. (.5)		

**6. Self-Evaluation 7.5 % Score: \_\_\_\_/7.5**

Actively engaged in goal-setting and strategic planning before each lawyering activity; (3)		
Employed comprehensive and rigorous self-critique of all clinic performances; (2.25)		
Identified individual strengths and weaknesses to improve as an attorney during the course of the semester and beyond. (2.25)		

**7. Self-Reflection 7.5% Score: \_\_\_\_/7.5**

During, or shortly after a lawyering experience, commented on feelings or reactions toward that		
-------------------------------------------------------------------------------------------------	--	--

experience; (2)		
Drew connections to prior life experiences, legal norms and theories; (1.5)		
Articulated how successes or challenges from that experience relate to one personally, to the role of lawyer, to the legal system, and to broader society; (2)		
Identified and implemented steps in order to apply lessons learned in the future.(2)		





**UNIVERSITY OF BALTIMORE SCHOOL OF LAW  
CIVIL ADVOCACY CLINIC  
ASSIGNMENT FOR WEDNESDAY, OCTOBER 31, 2018**

**Objectives:**

1. Explore models of negotiation
2. Explore the utility of different negotiating styles and strategies
3. Discuss the interplay among interviewing, counseling and negotiation

**Agenda:**

1. Introductory lecture on negotiation theory and practice
2. Hot Coffee film clip and discussion
3. In-class negotiation simulation and discussion
4. Firm Meeting – Settlement strategies for clinic cases?
  - a) What are your client's legal and non-legal goals?
  - b) How could you settle the matter? Try to be creative in thinking through possibilities and alternatives.
  - c) What are the advantages and disadvantages of these alternatives from your client's perspective?
  - d) What are the advantages and disadvantages of these alternatives from the opposing party's perspective?
  - e) If you do not reach a settlement, what are the consequences for your client? How will you use these consequences in counseling your client?

**Assignment:**

1. Read Gross & Johnson, Lawyers, Clients & Narrative, Ch. 9.
2. Complete the exercise on pp. 155-56 ([video linked here](#) for convenience).
3. Record your responses to the in-exercise questions, as well as the following:
  - a. What is your own approach to negotiation? How do you feel about negotiating?

- b. Briefly describe a past negotiation you undertook and why you felt it was successful or unsuccessful. This could be a formal or informal negotiation.
- 4. Submit your responses (up to one page) to your supervising attorney by Wednesday, October 31 at 12:30 PM.

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW  
CIVIL ADVOCACY CLINIC  
PROFESSORS MICHELE GILMAN & DANIEL HATCHER**

**NEGOTIATION CLASS TEACHING NOTES**

1:30-2:00 Firm meeting  
2:00-2:15 Lecture  
2:15-3:00 Hot Coffee film clip & discussion  
3:00-3:15 Break  
3:15-3:35 Negotiation simulation  
3:35-4:00 Debrief  
4:00-4:20 Real cases & negotiation issues

**I. INTRODUCTION**

A. Negotiation is unbelievably important—more important than courtroom skills

1. Over 90% of cases settle - why?

- A) Expensive to litigate.
- B) Stressful to litigate.
- C) Time delays.
- D) Inherently uncertain what will happen at trial.
- E) Can be more creative
- F) Systemic pressure

B. When Is Negotiation Used?

1. Dispute-resolution

- a) Settling pending litigation
- b) Settling dispute where litigation is a possibility.

2. Transactional

- a) Read an article that said that "negotiation is central skill of transactional lawyer"

- b) Runs gamut from negotiating terms of complex commercial transactions, to real estate transactions, etc.

C. Purpose of class

1. Recognize the importance of all aspects of lawyering to effective negotiation.
2. Expand your sense of what negotiation can or should be by drawing upon new conceptions of the process.

II. SEINFELD HOT COFFEE FILM CLIP

- A. Touchstone of negotiation is the touchstone of much effective lawyering. What are your client's goals? These are determined through skillful client interviewing and counseling.

- What was Kramers goal?
  - Money
  - Punishment McDonalds
  - Heal
  - Apology
  - Prevent harm to others/stop practice
  - Other...

- B. Don't only think about your own side/argument and don't even consider the other side's perspective - be the other side.

- What was McDonalds goal?
  - No publicity
  - Little \$
  - Don't admit fault
  - Sell hot coffee/continue profits

- C. Consider alternatives to litigation - what's realistically the best thing that would happen if there's no negotiated agreement for **both** sides? Does NOT mean "win at trial" - it means go to trial with attendant expense, uncertainty, etc. Called BATNA.

- What is Kramers BATNA?
  - Trial with money, time, low damages or lose
- What is McDonalds BATNA?
  - Trial with money, time, damages, publicity

- D. Consider also Issues of style and strategy:

1. Style: competitive or cooperative.
2. Strategy: adversarial or problem-solving.

- How do you decide which strategy and which style to choose? Look at:
    - Your own personality
    - The type of case at issue
    - The attitude of the opposing attorney/party
    - Your goals and the other sides' goals—if you have a number of different goals, may be possible to reach creative agreements (cooperative/problem-solving) or it may be a zero-sum outcome (competitive adversarial)
    - Your client's resources and the opposing party's resources (financial and otherwise)
    - Your client's level of comfort with your style or strategy
    - Critical importance of controlling information and strategy
  - What style/strategy was used by Kramer and McDonalds?
- D. Non zero sum: Can you think about creative solutions where everyone benefits?
- What other alternatives were available for Kramer and McDonalds?
- E. Was this negotiation a success? How do we judge this?
- F. If negotiation breaks down, have you wasted time or gained anything?
- Able to learn about other side's goals, strategies, and competence
- G. Plan, plan, plan, prepare, prepare, prepare before you negotiate. Did McDonalds do a good job preparing?
- Think about information to obtain, reveal, and protect – from both perspectives
  - List each parties interests
  - List each party's objectives
  - List possible solutions for each party
  - List each party's BATNA
  - List each party's factual and legal leverage points
  - Identify each party's potential target and resistance points
  - Identify each party's negotiating strategy and style

### III. IN-CLASS SIMULATION

- A. 5 minutes to prepare. Use the negotiation checklist (from Charles Craver) to prepare.
- B. 10 minutes to negotiate using Romeo/Barlow hypothetical
- C. Do not share your instructions after you conclude the negotiation.

### IV. DISCUSSION

- A. Objectives of client

1. Ask Barlow's lawyers what the client's goals were and what the Theatre's goals were?
2. Ask Theatre's lawyers what the client's goals were and what Barlow's goals were?

#### B. BATNA?

1. For Barlow: no work, mounting bills.
2. For Theatre: potential bankruptcy.
3. Discuss BATNA at the counseling session, where discuss client objectives and BATNA as means to brainstorm about settlement options. Helps to encourage clients to think about what really will happen if don't have negotiated agreement.

#### C. Results? Put on board

1. Ask students to describe the negotiation - competitive v. cooperative. How did this impact the negotiation?
2. Was it a zero sum or creative negotiation (see below)
3. Who made the opening offer? Why? How much? Where did that number come from?
  - High aspiration bargainers usually get better results than negotiators with lower objectives.
  - Unrealistic offers cannot be defended.
  - You must develop a principled rationale to explain how you arrive at your stated positions.
  - Benefit of first offer: anchor the bargaining range
  - Detriment of first offer: Avoid over/under estimates.
  - Benefit of opposing side first offer: Can manipulate the center toward which parties will move.
4. What information was shared/withheld and why?
  - Ask open-ended questions.
  - Be an active listener.
  - Listen for verbal leaks that inadvertently disclose important info.

#### D. Zero-sum v. non-zero sum

### 1) Zero sum

- a) Classic negotiation
- b) Limited pie, and what's good for one side is worse for the other, and vice versa
- c) Model is remedies courts order, typical monetary damages (from readings).

### 2) The Rules In Zero-Sum Negotiations

- a) Make a high initial bid
- b) Recede from your initial bid
- c) Reciprocal concessions
- d) Never reverse field and raise your price

### 3) Non-zero sum

- a) Under theory that usually much more at stake than just money
- b) So if examine both parties' interests, might realize that there are ways in which both parties can emerge with more of what satisfies them individually
- c) Idea is that people's satisfaction structures are not mirror images of each other and that needs differ, and there's thus room to maneuver so as to maximize everyone's satisfaction
- d) Frame alternative packages

## V. CLINIC CASES

- A. See how these ideas play out in “real life” in a few selected cases that both Clinics are handling now.
- B. Discuss cases.

## VI. CONCLUSION

- A. Remember that negotiation is only as good as your sense of your client goals, which

you glean through interviewing and counseling.

- B. The importance of thinking through **in detail** your BATNA and the other side's BATNA.
- C. **Be** the other side: what do you think they want/need?
- D. At least think through creative, problem-solving approaches to settlement. How can these be incorporated into your negotiation strategy?
- E. Like everything else you do as a lawyer, plan, plan, plan before negotiation.



## **\*\* SAMPLE SEMINAR PLAN ON TRANSACTIONAL DRAFTING \*\***

*This is a simplified excerpt of a seminar plan given to students before a 45-minute class segment introducing a few key principles of good contract drafting. Aspects of this lesson might be applied when drafting shorter documents as well, such as settlement agreements and retainers, and perhaps also when drafting litigation materials using a form document as a starting place.*

*Materials prepared by Prof. Jaime Lee, Director of the University of Baltimore School of Law Community Development Clinic.*

**University of Baltimore School of Law Community Development Clinic  
Tuesday, October 7, 2018 (Class #7)**

### **Topic: Transactional Drafting**

#### **Objective**

1. Learn and practice a few key tools for drafting clear and legally sufficient contract language that advocates for your clients' interests

#### **Assignment**

1. Imagine that you are drafting a contract between your client, a non-profit organization, and its fiscal sponsor. You are seeking a "form" contract to serve as the basis/place to start your own drafting.
  - a. **Jot down a list** of what might make your contract successful and useful, considering both your and your client's perspective.
  - b. Imagine that in searching the web, you find the two "form" contracts posted on TWEN. A screen-shot of the page that you found, which linked you to these contracts, is also posted on TWEN.
  - c. For each of the contract-drafting goals you defined in part (i), **jot down some notes about which of the forms might seem better at meeting that goal**, and why. (There is no need to read or analyze the forms in depth; just skim them, and make a preliminary assessment of their value.)
2. **Edit the first sentence only** of Sections 1, 2, and 3 of the "Adler Colvin" contract (posted on TWEN) for clarity and client-friendliness. Practice implementing these three basic principles of contract drafting, along with any others that you think may be helpful:
  - a. **Use active verbs**, not passive verbs.
  - b. **Delete extraneous words** where possible.
  - c. **Flag any ambiguous words or phrases** that could result in a lawsuit or other dispute about their meaning, and propose more precise language.

## **\*\* SAMPLE TEACHING NOTES FOR TRANSACTIONAL DRAFTING \*\***

*This is an annotated excerpt of the teaching notes used in conjunction with the seminar plan on the prior page.*

## 8. Clear and strong drafting: Exercises

- a. We asked you to edit the first sentences of certain Adler Colvin
- b. If you think back on when you were drafting your retainers: drafting is primarily about precision and clarity.
- c. There are many contract drafting “rules,” but for simplicity, we’ve boiled them down to three key ones.
- d. Put three rules on board for ease of reference
  - i. **Use active voice**
    1. Much more apt to be problematic if passive. Must know WHO is responsible for DOING WHAT.
  - ii. **Delete extraneous words**
    1. Lawyers tend to say the same thing three different ways – that can introduce legal ambiguity. Say it once, clearly.
    2. Also, the more unnecessary words a client has to wade through, the less useful the document will be.
  - iii. **Flag ambiguities**
    1. Likely to confuse clients (make harder to follow, lead to disputes about proper interpretation) and even judges.
  - iv. These rules are not the end-all-be-all, and you must use your judgment as always. But they are pretty solid rules to draft by.
- e. Take a few minutes to discuss your draft revisions with the person sitting next to you, then we’ll discuss as a group.
- f. Ask for suggested edits and show them on the board or on the screen.
  - i. Point out how their edit follows the three rules
  - ii. Push them to make their revisions even clearer/implement the three rules even further
  - iii. Ask for alternatives; point out that there is no “one right way” to draft
- g. Now let’s also take a minute to revise for **advocacy**, as discussed earlier
  - i. take a look at Adler Colvin provision 2
  - ii. it states that the Sponsor has ultimate responsibility for all activities and all activities must be conducted in the Sponsor’s name.
  - iii. This is a matter of law, since the IRS requires sponsors to be legally responsible. You cannot change this.
  - iv. However, what could you suggest that might put your client (the fiscally sponsored entity) in a stronger position? Is there a way for this provision to be written that puts your client, as the fiscally sponsored entity, in a stronger position? What might my client’s interests be?
  - v. Take a few minutes to think and draft, then we’ll debrief together.
  - vi. Possible ideas:
    1. Could you try to require the Sponsor to consult with your client?
    2. Could you try to require the Sponsor to brand the activities with the name of your client, in addition to its own name, so that your client can begin to build its own following/name recognition?
    3. Other?

## 9. Wrap up

- a. If time, ask them to write list of new things they learned or want to remember, then go around the room.
- b. Forms are useful, even indispensable. Esp. useful as issue-spotters and starting points.
- c. But look at all forms critically and know their limits; improve them as needed for your client
- d. We are not mere “form-fillers.” Clients can get that from LegalZoom or other online services.
- e. Your real value is in thinking carefully about client needs and crafting documents that meet them.

# Seminar Building Blocks

Once you have determined what your learning goals are for a particular seminar, work backwards to determine what evidence would show that your students have reached that goal. Then, work backwards once more to select the teaching tool(s) that will help you generate this evidence. Below is a list of tools you might consider. These tools each can stand alone, or be combined with other (i.e. combine a "Quick-Write" with a Group Brainstorm or a Student-Led Sum-Up for greater participation).

## Storytelling Exercise

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### Good for:

- ❖ Breaking the ice
- ❖ Teaching the power of narrative
- ❖ Conveying the vulnerability inherent in client representation (on both sides)

**How to:** Have students break into groups or pairs and tell one another a story from their own lives. You could also choose to have the students interview one another on a particular topic. Once the students have each shared their story with their partner, the partner/listener presents the story to the class.

- ❖ **Practice Tip:** You can choose to give a prompt (or not). Note that giving prompts can help to ensure the stories all touch on a relevant theme or generally are appropriate for in-class sharing.
- ❖ **Practice Tip:** Tell the students that the stories will be shared with the class at the outset. This helps to set expectations and avoids students feeling blind-sided.

**Supplies needed:** None

## Affinity Mapping

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### Good for:

- ❖ Any topic that requires students to categorize large amounts of information (i.e. theory development)
- ❖ Group processes that require students to establish shared priorities

**How to:** This exercise generally proceeds in three stages, but can be adapted to fit your needs:

Stage 1: Capture Information. State the topic or problem the group is addressing clearly. Have the students generate as many ideas on the chosen topic as possible. Each student should write down as many ideas as they can, one idea per post-it. Try to do this portion of the exercise silently and with a time limit (i.e. 5-10 minutes). Tell students the goal is volume: get as many ideas out on post-its as possible in the time allotted.

Stage 2: Group Information. Once the students have generated their ideas, read each idea out loud and hang it on the wall. Have the group(s) sort the ideas into logical categories. As they do so, they can delete or combine duplicate ideas, and add new ones as needed.

Stage 3: Label Categories. Once the students have grouped their ideas, have them label the categories they have chosen. They can group like categories together, or draw arrows showing significant relationships between categories.

- ❖ **Practice Tip:** Use a version of this exercise to help students learn about case theory development. Having students sort case facts into three categories: Good Facts, Bad Facts, and Facts Beyond Change. Then have them develop a case theory that encompasses the Good Facts and the Facts Beyond Change, and addresses the Bad Facts.

**Supplies needed:** Lots of post-its and a wall.

## Rounds

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### Good for:

- ❖ Involving the entire class in structured decision-making to problem-solve together
- ❖ Teaching ethics
- ❖ Improving collaboration

**How to:** Have students submit issues that they are struggling with in their individual cases in advance of class. Choose an issue that would best facilitate group-decision-making (i.e. one with a lot of possible courses of action). Notify the selected student or team that they will be presenting their problem to the class.

- ❖ **Practice Tip:** Use the attached handout "Strategic Decision-making for Lawyers" to help guide discussion.

**Supplies needed:** Whiteboard and markers or chalkboard and chalk.

## Chalk Talk

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### Good for:

- ❖ Groups that include quieter members
- ❖ Generating wider variety of ideas than group brainstorm

**How to:** Put prompts on poster paper around the room. Give each student a marker and have them move silently around the room. On their first pass, tell students to respond to the prompts. On each pass after that, have them respond to each other's responses to the various prompts. Have them go around the room a few times. This allows students who might be intimidated or otherwise unwilling or unable to participate in out-loud brainstorming/opinion sharing exercises to share with their thoughts and opinions with more time to think and "speak," and in a more anonymous fashion.

**Supplies needed:** One large post-it style easel pad and different colored markers.

## Silent Brainstorm or "Brainwrite"

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### Good for:

- ❖ Generating discussion when some students aren't vocal participants

**How to:** Give each student a sheet of paper with a prompt printed on it. Have the students write their response to the prompt, and then pass the sheet to their right or left. Next, the student writes his or her response or additional comment, based on what the student who passed him/her the sheet has written. This continues until the papers have made their way around the room or through the entire group.

**Supplies needed:** Sheet of paper with printed prompt(s).

## Role-plays

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### Good for:

- ❖ Mooting trial skills.
- ❖ Practicing lawyering values such as counseling and interviewing.

**How to:** Design a fact pattern that builds in the problem the client is hoping to solve or mimics those that are at issue in an upcoming hearing. Let student know the skill or value they will be practicing in class a week in advance of seminar. Prepare a third party or other student to play the role of client. The student does the mock exercise with the "client" and the professor and other students give feedback. The professor could also assign topics for each student to give specific feedback on such as case theory, narrative, persuasiveness of legal arguments etc.

**Supplies needed:** Video recording optional, index cards for assigning areas of feedback.

## Quick-Writes

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### Good for:

- ❖ Getting students thinking at the start of class
- ❖ Kick-starting discussions

**How to:** Give students a prompt or a question and ask that each student, on his or her own, write their thoughts/opinions/answers on a piece of paper or index card. Depending on the purpose of the exercise, you might choose to tell them that this is only for themselves and will not be shared.

Alternatively, once you've let them write for a few minutes, you can ask the class to share what they have come up with. This could also be done as a group or in pairs as a "pair and share." Allow the students a few minutes to discuss with each other before sharing with the class.

**Supplies needed:** None

## Student-Led Sum-Up

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### Good for:

- ❖ Any group, any class!
- ❖ Checking that students are learning what you intend (and finding out what else they're picking up that you might not have anticipated)

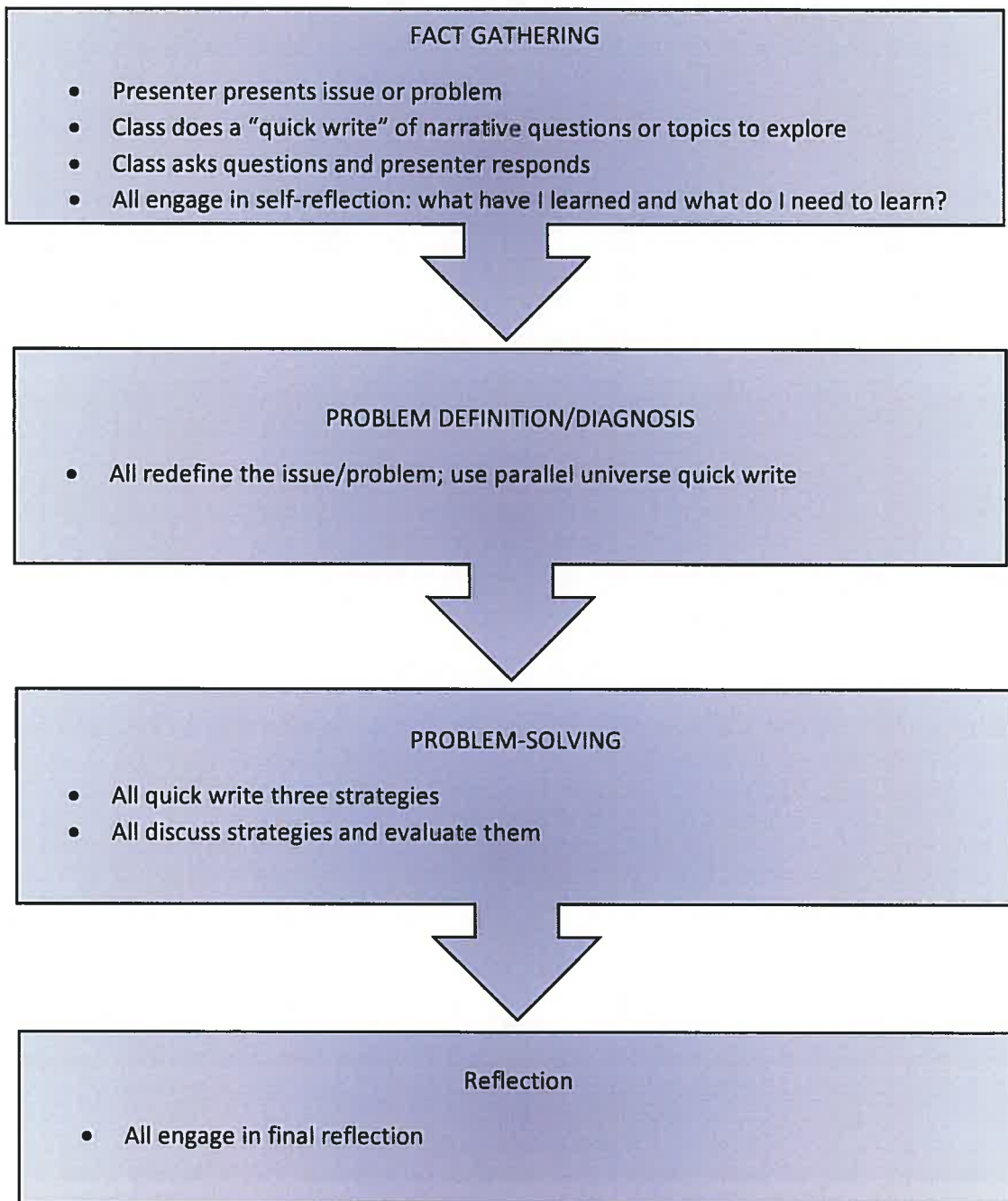
**How to:** Set aside 5 minutes at the end of each class period to discuss what the students should take away from the seminar session. Have the students generate these take-aways. Ask: What did you learn today? What will you take from today into your practice? Fill in with your own if they don't come up.

**Supplies needed:** None





## Strategic Decision-Making for Lawyers\*



\* Adapted by Shanta Trivedi from Carolyn Grose & Margaret E. Johnson, *Lawyers, Clients and Narrative*.



Supervision



**WEEKLY SUPERVISION MEMO<sup>1</sup>**  
**(from Student Attorney Team to Professors before supervision meeting)**

To: \_\_\_\_\_

From: \_\_\_\_\_

CC: \_\_\_\_\_

Re: \_\_\_\_\_

Date: \_\_\_\_\_

**CLIENT #1:**

**TASKS ACCOMPLISHED LAST WEEK:**

**CASE THEORY AND NEW FACTS:**

**AGENDA FOR SUPERVISION:**

**TASKS TO DO THIS WEEK:**

**CLIENT #2:**

**TASKS ACCOMPLISHED LAST WEEK:**

**CASE THEORY AND NEW FACTS:**

**AGENDA FOR SUPERVISION:**

**TASKS TO DO THIS WEEK:**

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<sup>1</sup> Created by the Bronfein Family Law Clinic, University of Baltimore School of Law.

**MEMORANDUM<sup>2</sup>**

TO: Supervising Attorney's Name

FROM: Student Attorneys' Names

RE: 11/17/2012 Supervision

DATE: 11/17/2012

Agenda memo turned in: Yes  
Time sheet turned in: Yes

To do for next meeting:

Client: **Smith v. Smith**

1. Call client before Tuesday to make sure she is attending court supervised visitation.
2. After client's first court supervised visitation, send letter to opposing party's attorney with an update.

Client: **Jones v. Jones**

1. Call Ms. Jones to give her number to the state's attorney's office and to discuss

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<sup>2 2</sup> Created by the Bronfein Family Law Clinic, University of Baltimore School of Law.

Scholarship





# Scholarship Calendar

The goal of this Scholarship Calendar is to provide junior scholars with general guidelines for developing scholarship in accordance with publication cycles. Most junior scholars begin to work on their scholarship after completing their first year of teaching. For this reason, our calendar starts in May. It's perfectly normal for junior scholars to take a year to two to develop their first article. If you begin the process in May, you should plan to submit your article in the Spring submission cycle (February), or the next academic year's Fall submission cycle (August)).

## May

Read as much as you can in an area you care about. Take note of what outrages you, where you notice holes in the conversation, and where you might be able to lend a unique perspective.

- ❖ Week 1: Attend AALS Clinical Conference. Start to develop ideas based on working group discussions and concurrent panels.
- ❖ Weeks 2-4: Select a topic and begin researching. Draft a research agenda to guide you.

## June

Read and Write! Schedule regular blocks of time (daily if possible) to work on your developing idea.

- ❖ Weeks 1-2: Start developing an abstract and an outline for your piece.
- Weeks 3-4: Prepare your application to attend the Clinical Law Review's Clinical Writers' Workshop
  - ❖ ). To apply, you will need a completed registration form and a "mini-draft or prospectus," roughly 3-5 pages in length, of the article you intend to present.

## July

Write! Schedule regular blocks of time (daily if possible) to work on your paper.

- ❖ Week 2: Exclusive submission cycles begin (e.g. Northwestern Law Review). Check Scholastica for more details.

## August

Write! Schedule regular blocks of time (daily if possible) to work on your paper.

- ❖ Week 1: Fall submission cycle begins.
- ❖ Week 2: Aim to complete at least one section of your article.

## September

Write! As the semester gets underway, you may have to modify your writing schedule. But you should still schedule regular blocks of time (daily if possible) to work on your paper.

- ❖ Week 1: Aim to complete another section of your article. If you're attending the Clinical Law Review's Clinical Writers' Workshop, you likely will have to circulate a draft of your piece this week.
- ❖ Week 3: Attend Clinical Law Review's Clinical Writers' Workshop
- ❖ Week 4: If you attended the Clinical Law Review's workshop, digest the feedback you received and edit accordingly.

## October

Write! If your program provides you with the resources, consider hiring a research assistant at this stage to assist you with research projects and footnotes.

- ❖ Week 1: Aim to complete another section of your article.

## November

Write!

- ❖ Week 1: Aim to complete the final section(s) of your article.

## December

Write and edit!

- ❖ Week 1: Aim to complete a first full draft of your article.

## January

Begin to circulate your first draft to scholars in your field and seek out comments. Workshops and conferences will also help in this process.

- ❖ Week 1: Apply to present your work at the Junior Scholars Conference at Michigan Law (Presentations are at the end of April).
- ❖ Week 2: Apply to present your work at the Law and Society Junior Scholars Workshop (presentations are at the end of May).

## February

- ❖ Week 1: Spring Submission cycle begins. Check Scholastica for more details.
- ❖ Week 2: If you're shooting for next year's Fall submission cycle, or if you submitted your first piece but are already thinking down the road to your second, apply to present your work-in-progress at the AALS Works in Progress sessions (held in May). To apply, you'll need a title of your piece and an abstract (no longer than one page).

## March

- ❖ Week 2: If relevant to your interests, apply to attend the Emerging Immigration Scholars Conference (presentations are at the beginning of June).

## April

Start the process again! Engage other scholars in order to begin generating ideas for your next piece.

## May

- ❖ Week 1: Attend AALS Conference on Clinical Education as a published author.

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A Note on Deadlines in this Calendar: Listed conference, workshop, and submission deadlines are based on previous years' deadlines. Please do not rely exclusively on this document for specific due dates. Confirm all deadlines through official conference/workshop correspondence. Also, please note that this is not an exhaustive list of all scholarship conferences and workshops that may be available to you. For a more extensive list, please visit <http://legalscholarshipblog.com> and search for "junior scholars."

