

Family Advocacy Clinic Syllabus

Law 6940 / 03HF & 03H9 (9 Credits)

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Education is hanging around until you catch on.
—Robert Frost

Welcome to the Virgil Hawkins Family Advocacy Clinic. This syllabus will provide you with important information, assignments, course materials, etc. about the clinic. It is especially important that you check the canvas site daily. Class assignments frequently change, and I often add new material. You normally will not receive hard copies of information contained on canvas.

The initial canvas class schedule is preliminary and fluid. Once I have your course schedules, I will rearrange dates, times, and content of classes. Normally I use canvas announcements for significant changes.

This may be the first time you have taken a course hosted on canvas instead of TWEN or Sakai. To get you started, please review A Brief Introduction to How We Use Canvas (available on the canvas site).

Note that this syllabus is tentative. Although it will give you a solid impression of what the course is about, always refer to the canvas site for up to date information.

Course Description

The Virgil Hawkins Family Advocacy Clinic operates simultaneously as a law office and as a classroom. We practice law, representing real people with real family law problems, and educate future lawyers in the basic skills of their profession. We are a full service family law firm, assisting low-income clients with divorce, parenting issues, alimony, division of assets and liabilities, child support, paternity, name changes, and more.

Note that if you have signed up for the nine credit course, you essentially will be taking two courses: the FamAdv Clinic and also a Preparing for Practice course. Some in our clinic have taken Interviewing, Counseling, and Negotiation (ICN), so they do not need the Preparing for Practice component. Because of this, we will keep the two courses somewhat separate, as reflected in the two separate course sections in this syllabus.

Credit hours: Nine.

General Course Goals and Learning Outcomes

At the highest level, we want you to learn how to collaborate with clients to develop wise objectives and to accomplish those objectives professionally. Notice the key words in that statement:

Collaborate: working with your clients rather than telling them what to do or allowing them to tell you what to do.

Develop: Almost all legal representation is a work in progress. A client who comes to see you with a particular objective often changes that objective as the case progresses.

Wise: Learning lawyering skills is an important goal, and lawyers spend much time in that pursuit. But a wise lawyer is much more. The wise lawyer knows both when to use those skills and, even more importantly, why to use them.

Professionally: In our view, professionalism is much more than complying with the rules of ethics. Professionalism involves your values, your character, the better angels of your nature (see Lincoln's first inaugural address). We will be spending time studying, and practicing, the teachings in the Florida Bar Family Law Section's Bounds of Advocacy.

Core Learning Objectives

- To assess a client's true objectives and to prioritize those objectives
- To identify legal, professional, and other processes to accomplish a client's objectives
- To assist the client in choosing processes that fit her individual needs and values
- To implement those processes skillfully and effectively
- To evaluate the processes used and results obtained
- To learn from our mistakes and successes, and to improve

Our Assumptions and Expectations

Perhaps all of your learning life, others have told you what to do. Teachers have told you what you have to do to earn an A, you have received rubrics, prompts, and so on. The fact you were accepted to good law schools shows that you likely internalized those messages, and learned to do just what "they" told you to do.

We want to turn that style of learning on its head. We want you to be self-directed, independent learners. For the rest of your professional life, you will need to learn and improve, yet it will be rare to have someone to spoon-feed you with exactly what to do. You need to know how to teach yourself, to become an autodidact.

With that in mind, we assume, and expect, that you learn what our classroom discussions and readings teach, so that you can benefit from observing and analyzing demonstrated skills, and begin to practice those skills yourself. We will not babysit you, or ask if you finished the readings; we might not even discuss them, as they are intended to furnish your minds. If you still operate in the "World of School" (see below), you might not be motivated to complete these readings because you know they "won't be on the test." Actually, they are on the test, as your client representation is a continuing "final examination." This might seem harsh, but it is for your own good, and we deeply care about you and your learning.

Teaching and Learning Methods

At first you will feel uncomfortable and overwhelmed, and we will have to "spoon feed" you. Yet, as the semester progresses, you will gain skill and confidence, and as fledgling lawyers take flight. You will need less guidance from me (and we will give less), and you will begin to feel the dense weight of being responsible for your clients' legal lives.

Through all of this, you will embrace the Holy Grail of planning, practice, performance, post-performance reflection, and learning. And repeating the cycle. And always you will keep one eye on your lawyering, and the other eye on your professionalism.

Prof. Grater's Office Hours

I believe in the open door policy, and generally am available to discuss your cases in person and phone (I will not check email compulsively). Sometimes when I am in the middle of something, I will ask you to come back a few minutes later. If my door is closed, it means I need to focus, so only knock if your needs cannot wait.

Books and Materials for FamAdv Clinic

- Grater and Schrieber, *Virgil Hawkins Civil Clinic Guide* (Unpublished), affectionately known as the *Guide*, is linked on the canvas site.
- Selected Articles, and Materials, available at on the canvas site, will help you with many aspects of your legal practice, from interviewing and counseling through trial, with a dose of professionalism and other topics thrown in.
- Optional: Gold-Bikin and Kolodny, *The Divorce Trial Manual* (ABA 2003). We have a copy in the clinic library.
- "The Law" (What does this mean? Where do you find it?)

Descriptions of these materials and others that will help you are found at the expanded Books and Resources page on canvas.

Canvas Learning Management System

Canvas is an open-source learning management system that will house the FamAdv clinic course. We have found it easier to use than Twen or Sakai, both for teacher and student.

Be sure to check canvas frequently. Classes and assignments are sometimes added or changed. We will announce any significant changes using the canvas announcement function.

As with any course, Preparing for Practice has a bit of a learning curve. Not only do you need to learn the material, but you also need to become familiar with the technology we use and how we want things to be done.

Unfortunately, we don't have the time or resources to show you how to use canvas. Please click on the help link (bottom left of canvas). Also, canvas has some excellent guides that will help you get started. These guides are also located via the canvas help link.

Here is one tip that might save you some time: Many of our materials are in .pdf format. Canvas gives you two ways to view these files. When you see the file link, there will be a text with magnifying glass icon and a box with an arrow icon. The first icon is a file viewer. If you click on it, you will see a section of the document open in the viewer. Click on "Fullscreen" at the top left of the document, and it does just that. Very convenient, and much nicer than Twen. The second icon, the box with an arrow, allows you to download the file. This generally is the better choice for longer documents.

Submitting Assignments: You will be submitting quite a few assignments. Unless otherwise indicated, all submissions will be done through canvas, via the "Submit Assignment" link on the right top of each assignment page. Do not email your assignments to your professor.

Hopefully this is not too confusing. We have tested it on crotchety old professors and they were able to do it just fine.

Feedback on your Assignments: Your professor will typically respond to your submitted assignments via the comments function within assignments. They may choose to do it in text or attach an audio file.

Commonly Used Resources

1. There are other ways to get to these pages, but I have inserted some important links on canvas to make navigation easier:
2. Course Information. Addresses important topics such as: learning objectives, assumptions and expectations, required texts, technology, office hours, evaluation, class attendance, etc.
3. Quick Links. The links collected here will help you with your cases, classes, and general approach to lawyering. Seriously. Use these.
4. The Guide. This is the latest (rev. August 20, 2013) .pdf version of the Guide. Best to use a real pdf viewer rather than your browser's plug-in. Make sure to

use the Bookmarks function in Acrobat's left panel for a click-able table of contents. We have several hard copies in our classroom for you to use.

5. Selected Articles and Materials. Here you will find helpful information, such as "how to" articles, organization tips, etc.
6. Hot Tips For Family Advocacy. Clinic Students (from across the years, verbatim, from their own pens). These former interns used to sit where you sit now. They know your anguish and overwhelm.
7. The Virgil Hawkins Story. Please learn more about the man for whom our civil clinics was named.
8. Links to Client Work Websites.

Written Assignments and Action Deadlines

The clinic requires plenty of writing (even not taking client work into account). The primary goal of your written assignments is to "inspire" you to think about and learn from what you have done and seen. The aphorism "learn by doing" is popular and seems true on its face, but it is only partially true. The "doing" is important, but the digestion of the experience, the extraction of every ounce of learning, is where lawyering skill develops.

The assignments listed below do not include more minor assignments or writing you will be doing on your cases. Due date times are all 11:59 pm unless specified. Actual due dates and more information on each assignment is on the canvas site.

1. 1st class Written Assignment due 7 January @ 5pm
2. Case Difficulty Survey due @ 3pm
3. Case Rankings due @ 3pm
4. Reflection / Self-Critique Paper #1
5. Reflection / Self-Critique Paper #2
6. Court Observation Assignment
7. Written Midterm Critique
8. Reflection / Self-Critique Paper #3
9. Reflection / Self-Critique Paper #4
10. Interview Assignment due 5 business days after interview (absolute deadline on canvas)
11. Counseling Assignment due 5 business days after counseling conference (absolute deadline on canvas)
12. Case Coverage memo
13. Looking Back Paper
14. Hot Tips from the Trenches
15. Transfer or Closeout Memos
16. All client binders and Clio files in pristine condition

List of Classes

The following is a tentative list of classes and related assignments. These are subject to change. Once we have the schedule of your other courses, we will assign specific

dates for these classes. For the most up to date classes and assignments, always check this canvas site. All articles will be linked on canvas.

To access your assignments for that class, click on the specific Class Topic below; this will take you to a corresponding assignment page. A skeleton summary is provided in the Assignments & Prep section, but it is not as complete or accurate as the Class Topic links.

Class #	Class Topic	Assignments & Prep
1	Intro & Orientation	1st class Written Assignment; Guide chapter: OMG; Chavkin, Clinical Legal Education, chapter 1, Introduction to Clinical Legal Education and chapter 2, Clinical Methodology; Oath of Admission to the Florida Bar (rev. 2011); The Florida Bar Family Law Section Bounds of Advocacy, preliminary statement through page iv; Excerpts from Jerome Frank, "Why Not a Clinical-Lawyer-School?"; Also Begin reading chapter 4 Rules Regulating The Florida Bar. You should fully understand this rule by the end of the third week of class.
2	Divorce 1: Roadmap to a divorce case & overview of process	Read Guide chapter: Pleadings; Review and understand the Road Map to a Basic Divorce and the Divorce Checklist; As you think about pleading and organizing cases, remember PEACE; Optional extra readings on pleadings: Florida Dissolution of Marriage (The Florida Bar CLE Latest Ed.), chapter 5.
3	Divorce 2: Parenting / plans	Section 61.13(2)-61.12(3), Florida Statutes (including all subsections); the Susan Smith interview (interview memo is at This Link); Florida Supreme Court parenting plan; Checklist Analysis of Parenting Plan and Timesharing Factors; Bonus learning: Review Arizona Guide for Parenting.
4	Divorce 3: Common financial issues and required disclosures	Section 61.30, Florida Statutes and Fla. Fam. L. R. P. 12.285; Sections from Guide on financial affidavits and compliance with mandatory financial disclosures; Checklist for Mandatory Financial Disclosures (12.285); Florida Supreme Court Child Support Guidelines Worksheet; Supplemental readings available on Class Topic link.
5	Financial affidavits	Study and understand section 61.30, Florida Statutes and Fla. Fam. L. R. P. 12.285; Guide, chapter on Discovery, sections 10.3 on financial affidavits, Supreme Court Financial Affidavit (short form) including instructions, Application for Indigent Statusp

		Optional Supplemental Readings: Florida Dissolution of Marriage chapter 7 section on Mandatory Disclosure, especially financial affidavits; All of chapter 12, and Abrams, Florida Family Law. Additional information at Class Topic Link.
6	Client Interview Topics & Possible Checklists	TBA
7	Divorce 4: Equitable distribution	Brigman and Ho, A Seven-Step Analysis of Equitable Distribution in Fla Part 1: Classification and Valuation of Marital Property; Brigman and Ho, A Seven-Step Analysis of Equitable Distribution in Florida Part 2: Distributing Marital Property; Goetz and Manz, A Brave New Frontier: The Equitable Distribution 2008 Legislative Changes; Note that the 7 Steps articles were written in 1999, and there have been some changes to the statute since then. Most of those changes are discussed in the Brave New Frontier article; If you want to go deeper, read chapter 34 in Florida Dissolution of Marriage (The Florida Bar CLE Latest Ed.). You can find this on Lexis in state materials / Florida / Secondary Materials / Florida Family Law.
8	Orientation to Clio and Google (on your own out of class)	Please click on the Class Topic for your assignments.
9	Clinic Office Practice 1	TBA
10	Case "Auction"	Please click on the Class Topic for a description of this auction and your assignments.
11	Discuss assigned cases	By now you have been assigned one or more cases. We will use class time to discuss those cases, focusing on issues, procedural posture, and next actions. Know as much as you can about the cases assigned to you. Especially for transfer cases, review the interview, counseling, and transfer memos, essential pleadings, and any notices of hearing, trial, mediation, etc. Bring with you both intelligent and stupid questions.
12	Status conferences, case management, and uncontested non-jury trials	Please click on the Class Topic for a description of this class and your assignments.

13	Essential investigation tools	TBA
14	Clinic Office Practice 2	TBA
15	Clinic Office Practice 3	TBA
16	Paternity 1	TBA
17	Paternity 2	TBA
18	Domestic Violence: Court Observations	Please click on the Class Topic for a description of this class and your assignments.
19	Vicarious trauma and self-care	TBA
20	Professional boundaries	The Clinic Seminar, chapter 18 Establishing Professional Boundaries. Substitute the Rules Regulating the Florida Bar for the Model Rules of Professional Conduct.
21	The mental health of clients	TBA
22	Mediation advocacy introduction	8th Circuit's Administrative Order 5.04; Chapter 44, Florida Statutes; Florida Rules for Certified and Court Appointed Mediators; Book review / synopsis of Beyond Reason. View narrated PowerPoint: Mediation Advocacy.
23	Family Mediation Advocacy	Please click on the Class Topic for a description of this class and your assignments.
24	Mediation of Amanda Tucker and Fredrico Sanchez	Please click on the Class Topic for a description of this class and your assignments.
25	Evidence for Family Law Practitioners	Please click on the Class Topic for a description of this class and your assignments.
26	Documentary evidence & judicial notice	TBA

27	Discovery 1: Basic Tools	Review the Client Memo; Locate and read a quality source of family law discovery information under Florida law; Be aware of the applicable discovery rules (Fla.R.Civ.P. and F.Fam.L.R.P). These rules are discussed in the helpful Trawick's Florida Practice and Procedure and can be found on Westlaw; Herman, "Discovery in Family Law Cases; Prepare a discovery plan that lists exactly what information you need to help you prepare this case, and the discovery methods you should use to get this information. Also list any problems you foresee; Submit your plan to canvas in the separate assignment.
28	Discovery 2: Depositions	TBA
29	Battle motion practice exercise	Please click on the Class Topic for a description of this class and your assignments. Battle motions due (and served) due @ 11:59pm 3 business days after class
30	Battle motion practice oral arguments	Please click on the class topic for a description of this class and your assignments. Orders due (and served) due @ 11:59pm 3 business days after hearing
31	Winding down & looking back	Please click on the Class Topic for a description of this class and your assignments.
32	Lecture/discussion	Please click on the Class Topic for a description of this class and your assignments.

Additional Course Information

Class Attendance Policy

The American Bar Association requires us to insure that students attend class. The ABA further suggests that any student who misses more than 15% of class should not receive credit for the course. That said, it is fundamentally important that you attend all of your casework events. We also expect you either to attend firm and team meetings or to notify your supervising attorney and partner of conflicts in advance and then reschedule them at a mutually-convenient time.

If you have no choice and must miss class due to documented illness, religious holidays, or emergency, discuss this immediately with your supervising attorney. Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at [This Link](#).

Do not schedule trials, hearings, depositions, negotiations, client meetings, or other "lawyering events" in conflict with clinic classes. Leaving classes to have clients sign documents, or to take non-emergency client calls, is also not appropriate. Occasionally a lawyering event that was scheduled during the previous semester, or by the judge, will conflict with a clinic class. If so, the client matter takes priority, and the team handling that legal matter would not count against class attendance. Client meetings, however, do not receive the same treatment unless they are genuine emergencies, as determined by your supervising attorney.

Time Commitment

The FamAdv clinic should be an intense experience. During the formal semester, expect to devote approximately 24 hours per week (360 hours per semester) on classes, class preparation, firm and team meetings, office hours, and all aspects of client work. This requirement conforms to American Bar Association Standard 310. Your actual number of work hours will vary, weekly, depending on how active your cases are. If you are preparing for trial or a settlement conference, you likely will devote significantly more time than that. After formal classes end, your average time commitment will naturally decrease.

Work During Break: the Plain Truth: Let there be no confusion. Client cases do not follow our semester system. Expect to do client work during the semester break. You are responsible for your cases until the first day of the following semester. You might have a trial, a mediation, discovery, who knows? Depending on the particular case, the work may be intense.

Do you have to stay in Gainesville during the entire break? No. Might you have to come to Gainesville during break to work on your cases? Yes, it is possible.

Remember, you are a professional. Your clients depend on you. This involves sacrifice, but it is worth it to your clients, and to your development as a lawyer.

Preparation for Class

We will assume that you have read, understood, and digested the assigned material before class. Agreement, disagreement, intelligent debate, thoughtful argument, all are encouraged. Bring your ideas and share them.

As little time as possible will be spent in lecture. The primary vehicles for classroom learning will be discussion of the assigned material and related topics, and role plays. We also try to mix things up by using video excerpts from television and movies and from staged lawyering events.

Much of your classroom education in the clinic comes through skills simulations (role plays). These expose you to interviewing, counseling, depositions, motion hearings, negotiation, mediations, final divorce hearings, and other lawyering work. You will be assigned to play a lawyer, client, witness, or even a judge. Often you will be given several pages of material to learn for your role. For simulations to be effective (and fun) you and every other intern must learn your roles and prepare with the same

passion and thoroughness as you would for real lawyering. In other words, it ain't gonna work if you don't put in the time.

Angry interns have complained that they worked hard to prepare, but because other interns "blew it off," the role play was worthless and a waste of time. Please allow your personal integrity and honor to inspire you to prepare diligently.

Intensive First Weeks of Class

We will attempt to schedule 10 hours of class during the first two or possibly three weeks of each semester. This helps to fulfill the requirement that you be "adequately trained to perform as a legal intern" before representing clients. Rule 11-13(c) of the *Rules Regulating the Florida Bar*. We generally cover topics such as the basics of divorce and paternity law and practice, office systems, and factors involved in representing our clients, and you will be assigned clients. The exact times of these meetings will be arranged at our first class; we will try to minimize conflict with your other classes.

Role play performances are sometimes recorded using a web cam. You are required to review these performances on your own. If you want additional feedback, ask your supervising attorney.

After the Intensive First Weeks: Classes, Meetings, and Office Hours

When this intensive training period is over, you will begin to represent your clients "full speed ahead." Look for opportunities to interview and counsel your clients. This will make it easier to complete the interview and counseling assignments (explained in the Written Assignments section of this canvas site).

We will meet each week at the assigned class times unless you are notified otherwise. In addition to classes, you will be required to be physically present in the civil clinic for, at a minimum:

- One team meeting per week for up to one hour (you'll have a partner);
- At least a one hour firm meeting per week; often we have more than one per week; and
- Ten regularly-scheduled office hours every five day work-week. You choose the hours. They should be at least in two hour blocks, spread over at least three days. Keep your clients' needs in mind; don't chose hours just because it gives you an easy schedule. Be sure to have some overlap with your partner. Let your clients and opposing counsel know your office hours so they know when they can reach you.

During your office hours, you may conduct client meetings at the clinic, work on your cases, prepare for clinic classes, or do other types of work. Office hours do not include your clinic classes, but you may, with your supervising attorney's approval, count the

team meeting as one of your office hours. Office hours start immediately after you are assigned your cases, and stops when classes end. Appropriate adjustments will be made for school holidays. You do not accumulate or bank office hours during busy weeks, and "making them up" does no good, as a primary reason for office hours is to have set times when clients and others can be sure to reach you. Court appearances, mediations, and some client appointments, are often scheduled outside these times, and take priority over conflicts with other law school classes.

Team and Firm Meetings: You, your partner, and your supervising attorney will have supervisory meetings, called "Team Meetings," once a week, for up to one hour. Each member of the team must attend. These meetings, held in the supervising attorney's office, serve two purposes. They keep us current on all your cases, and they guarantee you at least one hour each week to ask whatever questions or air whatever gripes you have. We will share ideas on strategy, discuss general topics of broad interest such as proof problems, discovery problems, and consider short-term action items, with due dates. Keep notes of these meetings; you may be asked to provide weekly written summaries to your supervising attorney.

Although this weekly meeting is reserved for you and your partner, please be assured that we are available other times during the week. See us anytime you feel lost or troubled about a case but, as discussed below, do some thinking for yourself beforehand.

Also, each week we will have a firm meeting, which is similar to "grand rounds" in the medical profession. We will discuss individual cases in depth so others can learn from them, give status reports, "moot" hearings or other client work, etc. If you want to get on the agenda, just ask.

Think First, Then Ask: One of our primary goals is to instill in students a spirit and habit of independence. We want you to leave the clinic able, or on the path to being able, to practice law. Often we emphasize, and the *Guide* section on Clinic Supervision reiterates, that students should independently consider, research, study, analyze, learn, "get smart on the subject" before asking us "what do I do now" or "how do I do it." If you don't, we may send you back to "do your homework" or "read the *Guide* before discussing the matter further.

When you can't figure out what to do on your own, don't just rely upon us to answer your questions. Learn to learn from each other, to teach each other. Another of the clinic's primary goals is to foster an atmosphere in which students collaborate. For the rest of your lives as lawyers you will work with others: lawyers, judges, judicial assistants, legal secretaries, experts, witnesses, etc. Realize that each of you has unique strengths and knowledge. Our firm is a living library. Use it.

A Hot Tip: You'd Better Study This Canvas Site and Review it Frequently: You are an experienced law student, no? You know that you can merely glance at a syllabus on the first day of class, then check it out every once and a while to stay on top of things. Reconsider that impression. The clinic canvas site, as well as the *Guide*, will tell what you need to do day by day and week by week. Not knowing or keeping up with these requirements can lead to heartache, such as when you get back one of your assignments from me with the comment "does not meet elements of the assignment."

Client Work: Expectations

We have high expectations of your students. Our minimum casework requirements include

- Attendance at all trials, hearings, depositions, negotiation conferences, client meetings, and other client events at which you are primary counsel;
- Attendance at all of your partner's trials, hearings, depositions, negotiation conferences, and significant client meetings and other events. Routine client meetings, such as signing conferences, are exempted from this requirement;
- Appropriate and timely handling of case tasks that you, your partner, and your supervising attorney identify at weekly team meetings. Deadlines for task completion will typically be discussed and arranged at these meetings;
- Professional representation of clients throughout the semester, and during holidays and semester breaks;
- Full, complete, and timely preparation for all trials, hearings, depositions, negotiation conferences, client meetings, and other client events; and
- Complete and contemporaneous documentation of client files and Clio.

Penalties for Noncompliance With Clinic Requirements: We may impose any of the following penalties for non-compliance with clinic requirements

- **Grade Reduction:** One-third of the credit for the course is generally awarded as a letter grade. Your grade can be reduced as a penalty.
- **Course Failure:** You may receive a failing (U) grade for all or part of the course.
- **Dropped From the Course:** You may be asked to withdraw or be dropped from the course prior to the end of the semester.
- **Incomplete Grade:** You may be given an incomplete grade until specified work is satisfactorily completed.
- **Contacting the Florida Bar:** Where the non-compliance amounts to unprofessional conduct, a supervising attorney may contact the Florida Bar.

This notice constitutes notice of our requirements. We are not required to provide additional notice prior to imposition of a penalty, particularly where the noncompliance impacts on client representation.

Client Work: More Guidance

World of School vs. World of Work: Recently, a clinic intern observed that it is important to understand the differences between the rules of these two worlds. In the World of School, students know that the final is months away, so they often let their work slide until the last minute. In the World of Work, where the clinic operates, this

strategy is ineffective. You will need to keep up with your client work, or the client suffers. Last minute lawyering is a common path to malpractice. Similarly, in the classroom component of the clinic, you are given assignments to prepare you and your colleagues to practice law for your clients. For example, you are assigned to observe trials and hearings early in the semester. This is designed, among other things, to teach you how lawyers actually work, familiarize you with the process and, generally, to lessen your anxiety about going to court. You can see how much value is lost if you wait until the last minute to do your observations.

A Note on Self-Management of Your Case Load: As you will soon learn, interns are given significant latitude and independence in lawyering the cases. We strive to keep you busy but not overloaded, and your supervising attorney will do his best to monitor this. However, sometimes it is hard for us to know precisely how much time your cases are consuming. It is your responsibility to notify your supervising attorney if your cases are too slow (you might need another one) or too "hot" (you might need some help). Keep in mind, as you assess your workload, a fundamental theme of this clinic: You get from it exactly what you put into it.

Assessment (Grades and Evaluation)

Three of the nine credit hours will earn letter grades. The mean grade for the graded hours cannot exceed 3.6. The mean grade can be higher if the mean GPA (determined as of the beginning of the semester) for all students enrolled in the FamAdv clinic is above 3.55, but the mean grade may not exceed the mean GPA of the students enrolled in the clinic by plus .05. The following grading scale will be used:

Grade	Points
A (Excellent)	4
A-	3.67
B+	3.33
B (Good)	3
B-	2.67
C +	2.33
C (Satisfactory)	2
C-	1.67

D+	1.33
D (Poor)	1
D-	0.67
E (Failure)	0

The remaining credit hours will be graded S+/S/U. See the [UFLaw grading policy](#) for further information.

Our policy to base your letter grade on a combination of your casework, written assignments, and classroom attendance and performance. Grading you based upon your client work is difficult, because some cases are more challenging than others. We take that into consideration because you should not be penalized just because your assigned cases were not as "hot" as others.

Written assignments are assigned points as set forth in the grading section on canvas. You will also earn a maximum of 10 points for class participation, preparation and performance during role plays, quizzes (including "pop" quizzes), and related.

We hope this makes sense. Let us know if you have questions during our first classes.

Online Course Evaluation Process

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results>.

Course Ethics

UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The [Honor Code](#) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with your professor.

Specific to this course, because we use many role play exercises, there are many opportunities to game the system. For example, we know of instances in which students have traded role play instructions to make the exercise "easier" and the

students appear better prepared. If you read any confidential instructions than your own, or access any other information regarding exercises used in this course during this or earlier semesters, we consider this to be an honor code violation.

If you obtain the wrong instructions for a role play, notify your professor immediately so the problem can be corrected.

Accommodations for Students with Disabilities:

Students with disabilities requesting accommodations should first register with the [Disability Resource Center](#) (352.392.8565) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to UFLaw's Office of Student Affairs when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

Health and Wellness

- U Matter, We Care: If you or a friend is in distress, please contact umatter@ufl.edu or 352 392-1575 so that a team member can reach out to the student.
- Counseling and Wellness Center, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.
- Sexual Assault Recovery Services (SARS): Student Health Care Center, 392-1161.
- University Police Department, 392-1111 (or 9-1-1 for emergencies) <http://www.police.ufl.edu>.

A Final Note

In the clinic, you will have the opportunity to learn much about the practice of law and, perhaps more importantly, about yourself and your professional identity. We are excited to be working with you, and look forward to a semester of fun, hard work, and learning. Just watch as you and the other members of your firm transform yourselves from law student to Attorney and Counselor at Law.

Preparing for Practice Syllabus

Everything that happens to you is a form of instruction if you pay attention.
—Robert Greene

No matter what you do in your future legal life (except, perhaps, reading oil leases all day), you will use the essential skills of client interviewing, counseling and negotiation. It takes years of practice to master the science and art of these skills, but you can learn the essentials in a relatively short time.

In this course, you will learn the theory behind the skills and, more importantly, apply those skills through considerable hands-on practice, critique and feedback, and self-reflection. This Preparing for Practice course will start you on the path to mastery. It is only a beginning, however. Mastery will require diligent and deliberate practice.

Note that this syllabus is tentative. Although it will give you a solid impression of what the course is about, always refer to the canvas site for up to date information.

First Things First

First, much of the course information above applies to this course as well. Any differences will be discussed below.

Second, spend some time learning how this course is organized on canvas. Because we will not know your schedules when this this course is created on canvas, specific class dates and times are not provided. Instead, each class is listed below. On the canvas site, clicking the class link will take you to a page that provides a description of the class, preparation for you to do, assignments, and other information. Once we have your schedules, we will notify you when each class will take place.

Learning Objectives

By the end of this course, you should be able to:

- Know and understand our interviewing, counseling, and negotiation practice models;
- Apply those models to skillfully interview and counsel clients in the clinic and elsewhere;
- Plan, prepare, and effectively conduct basic negotiations;
- Reflectively evaluate your performances and increase your skills by applying lessons learned from the successes and mistakes from your colleagues and yourself.

Communicating with Your Professors & Other Students

You may have questions about the material or other parts of the course, want feedback, or just want to discuss what you are learning. Please don't use email for this.

Instead, use the tools in canvas. If it is a general discussion, use the "Discussions" function; this will allow you to talk to other students as well as your professors. If you want to discuss something with your professors or an individual student, use the "Conversations" tool, which is a messaging system within canvas. Access it by clicking the "Inbox" link at the left side of your canvas page. You and your professors will discuss your assignments via the "Comments" section on the same page where your assignment is submitted.

Required Texts

Herman and Cary, *A Practical Approach to Client Interviewing, Counseling, and Decision-Making* (LexisNexis 2009).

An alternative is Herman and Cary, *Legal Counseling, Negotiating, and Mediating: A Practical Approach* (LexisNexis 2d Edition 2009). This text is used in UFLaw's Interviewing, Counseling, and Negotiation course, so you might be able to find it used. The interviewing and counseling portions are essentially the same as the other Herman and Cary book.

These books will be referred to as "Herman."

Do not buy both Herman and Cary books. Just pick one.

There is no need to distinguish between the Herman and Cary books in reading assignments, as the interviewing and counseling portions are essentially the same in both books.

Craver, *Skills & Values: Legal Negotiating* (3d Edition LexisNexis 2016). Carolina Academic Press (<http://www.cap-press.com>) now owns this title. If you can't find it in the usual places, look on that site.

This book will be referred to as "Craver."

You will also be assigned readings from a variety of sources, available on canvas. They should be treated as being as important as the texts.

Evaluation and Grading

This course will be graded satisfactory / unsatisfactory. For further information, see current [UF Law grading policies](#).

Your grade will be based on written assignments, quality of preparation and performance during class exercises and role plays, classroom participation, and class attendance. There is no final exam.

You get what you Give

Learning to skillfully practice law, just as with any other difficult skill, takes consistent hard work, discipline, and dedication. Those students who hold back or try to coast get just what they put into Preparing for Practice: not that much. Students who throw

themselves into the learning, who walk beyond their zones of comfort, also get what they give: a path towards mastery. We hope you chose to go for it.

Access to Skills Videos

To help you review and understand interviewing and counseling skills, we have many of the sample skills videos shown in class. To view them, please click on Example Skills Videos on canvas. View them only after they have been shown in class.

Models, Templates, and Self-Critique Forms

These forms are already linked within the applicable assignments. They are listed here, and are available on canvas. We may add to this list in the future.

- Interviewing Organizational Model
- Interviewing Self-Critique Form
- Counseling Model
- Sample Counseling Chart
- Counseling Self-Critique Form
- Giving Critique and Feedback
- Summary of Negotiation Model
- Negotiation Plan Template
- One-Page Negotiation Plan
- Negotiation Self-Critique Form

Assignments

You will be submitting the following assignments, primarily relating to self-critique of skills exercises. These assignments are also listed in context of corresponding classes in the Classes section below.

1. Interview Exercise 1: Preparation outlines
2. Interview Exercise 2: Preparation outlines
3. Complete Interview Exercise
4. Complete Interviewing Exercise Assignment
5. Counseling Exercise 1: Counseling Charts
6. Counseling Exercise 2: Counseling Charts
7. Complete Counseling Exercise Assignment: Counseling Chart
8. Complete Counseling Exercise
9. Negotiation Exercise 1: Negotiation Plan
10. Negotiation Exercise 2: Negotiation Plan
11. Negotiation Exercise 3: Negotiation Plan
12. Complete Negotiation Exercise: Negotiation Plan
13. Complete Negotiation Exercise Assignment

List of Classes

The following is a tentative list of classes and related assignments. Once we have the schedule of your other courses, we will assign specific dates for these. For the most up to date classes and assignments, always check the canvas site. All articles will be linked on canvas.

Class #	Class Topic	Assignments & Prep
1	Introduction & Orientation 1	Fully explore the course on canvas; Read and understand our Course Information; Sandburg, The Lawyers Know Too Much. Be prepared to discuss what this poem means and how it might be relevant to this course.
2	Introduction & Orientation 2	Herman cpts 1 & 2; Articles: 10,000 Hours of Practice; Kaufman, J., It Takes 20 Hours Not 10,000 Hours To Learn A Skill; Interviewing Organizational Model chart.
3	The Initial Client Meeting	Herman cpt 3; Article: Gellhorn, Law and Language: An Empirically-based Model for the Opening Moments of Client Interviews.
4	Interviewing Model 1	Herman cpts 3-4; Articles: Barkai, How to Develop the Skill of Active Listening; Keeva, Beyond the Words; Been, Demystifying Depositions: the Funnel Technique; Critique and Feedback; LAC Chapter 2, Motivation.
5	Interviewing Model 2	TBD
6	Interviewing Exercise 1	Canvas: Interviewing Exercise 1; You will be provided separate confidential instructions. Before class, submit a preparation outline through canvas.
7	Interviewing Exercise 2	Canvas: Interviewing Exercise 2; You will be provided separate confidential instructions. Before class, submit a preparation outline through canvas.
8	Complete Interviewing Exercise	Canvas: Complete Interviewing Exercise; You will be provided separate confidential instructions; Afterward, submit Complete Interview Exercise Assignment on canvas (check canvas for due date).

9	Complete Interviewing Processing	Select three clips from your interview, each two to three minutes long. Be sure to include timestamps. The first will be a clip of something you were pleased with, the second a clip of something you think needs improvement, and the third is one of your funnel sequences. One or more of your clips will be discussed in class. Your professors will indicate how to upload / submit your video. Do not upload it to canvas.
10	Witness Interviewing	Zwier, Fact Investigation Chapter 5 Witness Interviewing (NITA 2000); Krieger and Neumann, Essential Lawyering Skills Chapter 9 Interviewing Witnesses (Wolters Kluwer 2011); Binder, Fact Investigation Chapter 12 Motivating Witnesses. Afterward, submit statement on canvas saying you completed the assignment.
11	Counseling Model 1	Herman cpt 5 and review cpt 2; Keeva, A Client's Perspective; Sanders, the Facts and What Lies Beyond; Organization of Interviewing and Counseling (review); Summary of Counseling Model.
12	Counseling Model 2	TBD
13	Ethics in Counseling	Ward, Top 10 Ethics Traps.
14	Counseling Exercise 1	Canvas: Counseling Exercise 1; You will be provided separate confidential instructions. Before class, submit a Counseling Chart through canvas.
15	Counseling Exercise 2	Canvas: Counseling Exercise 2; You will be provided separate confidential instructions. Before class, submit a Counseling Chart through canvas.
16	Complete Counseling Exercise	Canvas: Complete Counseling Exercise; You will be provided separate confidential instructions; Before you counsel, submit your Counseling Chart on canvas. Afterward, submit Complete Counseling Exercise Assignment on canvas (check canvas for due date).
17	Complete Counseling Processing	Select three clips from your counseling conference, each two to three minutes long. Be sure to include timestamps. The first will be a clip of something you were pleased with, the second a clip of something you

		think needs improvement, and the third will be of your summary of the options you are discussing with your client. One or more of your clips will be discussed in class. Your professors will indicate how to upload / submit your video. Do not upload it to canvas.
18	Interviewing and Counseling Victims of Intimate Partner Violence (IPV)	The Impact of Domestic Violence On Your Legal Practice, The American Bar Association Commission on Domestic Violence; Danger Assessment, Jacquelyn C. Campbell, PhD, RN, FAAN, Johns Hopkins University; National Center on Domestic Violence, Trauma & Mental Health, Preparing for Court Proceedings with Survivors of Domestic Violence; Strengthening Domestic Violence Theories, Michele Bograd, Intersections of Race, Class, Sexual Orientation, and Gender; Equality Wheel; Power & Control wheel; Immigrant Power & Control wheel; DV Safety Plan.
19	Intimate Partner Violence 2	TBD
	Notes on Negotiation Readings and Exercises in Craver book	Do Not read any of the negotiation exercises before your professor specifically assigns it to you. If you do, you might read information that belongs only to the other side and the exercise will be compromised.
20	Negotiation 1	TBD
21	Negotiation 2	TBD
22	Negotiation 3	TBD
23	Negotiation 4	TBD
24	Negotiation Exercise 1	Canvas: Negotiation Exercise 1; You will be provided separate confidential instructions.
25	Negotiation Exercise 2	Canvas: Negotiation Exercise 2; You will be provided separate confidential instructions.
26	Negotiation Exercise 3	Canvas: Negotiation Exercise 3; You will be provided separate confidential instructions.

27	Complete Negotiation Exercise	Canvas: Complete Negotiation Exercise; You will be provided separate confidential instructions. Before you negotiate, submit your Negotiation Plan on canvas. Afterward, submit Complete Negotiation Exercise Assignment on canvas (check canvas for due date)
28	Complete Negotiation Processing	Select three clips from your negotiation, each two to three minutes long. Be sure to include timestamps. The first will be a clip of something you were pleased with, the second a clip of something you think needs improvement, and the third is a clip of what you believe to be the most important thing that happened during the negotiation. One or more of your clips will be discussed in class. Your professors will indicate how to upload / submit your video. Do not upload it to canvas.
29	Lande's Last Lecture	Lande, My Last Lecture: More Unsolicited Advice for Future and Current Lawyers.

Class Attendance Policy

The American Bar Association requires us to insure that students attend class. The ABA further suggests that any student who misses more than 15% of class should not receive credit for the course. That said, it is fundamentally important that you attend all classes that involve exercises and role plays. This is both to insure that you practice skills and receive critique, and to help your colleagues have an effective role play experience. We anticipate that student work in this course will equal or exceed 127.5 hours; this is in addition to your clinic work. This requirement conforms to American Bar Association Standard 310.

If you have no choice and must miss class due to documented illness, religious holidays, or emergency, discuss this immediately with your supervising attorney. Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

Technology

One requirement of this course is for you to record and critique various skills performances. You will need to have equipment and software (typically your laptop) that allows you to record, save, and play video. Before classes start, test your equipment to make sure it works.