

SPRING EXTERNSHIP AT FEDERAL DISTRICT COURT

LAW 7793, Section 6946

Spring 2018

Course Policies & Syllabus

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I. The Levin College of Law Externship Program.

A. Field Placement: As you know, the Levin College of Law's Externship Program allows you to step out of the classroom and to work closely with judges and/or practicing attorneys while earning academic credit. You'll learn by doing and observing, and in the process, learn essential lawyering skills. You'll be monitored by an attorney field supervisor, and will be required to submit bi-weekly time sheets (signed by you and your field supervisor) to the Externship Program Coordinator, Julie Barnes (barnes@law.ufl.edu), tel: 352-273-0604.¹

B. This Course: In addition to the field placement, the Externship Program includes a required, co-requisite course (this one). This class – **LAW 7793, Section 6946** – serves as the academic component of your externship, and is designed to supplement and enhance the extern's field placement.

C. Assignments: This class component will include weekly assignments consisting of: 1) required readings identified in this Syllabus; 2) short journal submissions relating to what you have been doing at your placement; and 3) two essays of 7-10 pages that discuss what you have learned in the readings. In addition, we will have at least two (required) telephone conversations where we will discuss the readings and the extern's field experiences.

D. Instructions for Completing Bi-weekly Journals: Please copy the format identified below, and fill it in for each day you work. If you have an assignment that continues over more than a single day, you may combine those entries. You will send your submission to me either via the on-line file upload feature of Canvas or by e-mail to me (mclendon@law.ufl.edu). If you will not start your externship until after the first journal entry is due, please submit something reminding me of that, and begin your entries on the first day that you work.

¹ For the ABA rules governing these placements, please see pages 18 and 19 at the following link:
http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2015_2016_aba_standards_for_approval_of_law_schools_final.authcheckdam.pdf.

Because this is a judicial externship, externs need to be careful to remove any information from your journal that might identify the specific case or parties. That should still allow an extern to provide basic information to the Faculty Supervisor about the kind of work you are doing while at the court where the extern has been placed.

Sample journal entry:

Name:	Externship: (judge & court)
Day/Date:	Weekly Journal Week #
(time period) – description of work done	
(time period) – description of work done	

Provide a brief description of what you have done during each part of the day (*e.g.*, legal research, bench brief preparation, preparing a memorandum of law, reviewing briefs, other). This should still provide the Faculty Supervisor with some idea about how you occupied your time while at your placement.

Journal entries are due on the following dates:

- 1st submission: Friday, 26. January, at 11.59pm.
- 2nd submission: Friday, 9. February, at 11.59pm.
- 3rd submission: Friday, 23. February, at 11.59pm.
- 4th submission: Friday, 9. March, at 11.59pm.
- 5th submission: Friday, 23. March, at 11.59pm.
- 6th submission: Friday, 6. April, at 11.59pm.
- Final submission: by Friday, 27. April, at 11.59pm.

E. Essays: In addition to the bi-weekly journals, you are required to complete two essays of 7-10 pages each on some area discussed in the assigned readings below. The required and suggested readings provide some basis for discussion, but you are free to use other sources as well. Remember, however, your obligation to be discreet and use only published sources!

Essays are due on the following dates:

- 1st Essay: Friday, 2. February, at 11.59pm.
- 2nd Essay: Friday, 30. March, at 11.59pm.

(As an alternative to the essay requirement, you may elect to write a single research paper of 20 pages, exclusive of footnotes, on some subject relating to the U.S. Constitution, the Federal court system, the jurisdiction or operation of the courts, to be agreed between you and the faculty sponsor. If you elect this option, you should notify your faculty supervisor. This research paper must be submitted to the faculty sponsor prior to receiving a grade.)

F. Telephone Conversations with Faculty Supervisor: Each extern will need to participate in at least two telephone conversations (or teleconferences) with the Faculty Supervisor. Each conversation should last about half an hour, and will be scheduled either over the lunch hour or in the early evening of Weeks 3-4 for the 1st Conversation, and Weeks 6-7 for the 2nd Conversation. In addition, the Faculty Supervisor will schedule at least two short conversations with each extern’s Field Supervisor to discuss the extern’s performance. These conversations should begin in Week 2.

II. Learning Outcomes & Course Objectives.

ABA & Levin College of Law regulations require the Faculty Supervisor to provide students with the formal “learning outcomes” and “course objectives” for your externship experience. That information is as follows:

A. Summer Externship Program Learning Outcomes:

#1: Operation	Students will be exposed to the practice of law and able to tie the field experience to the study of law.
#2: Evaluation	The Faculty Supervisor and the Field Supervisor will evaluate students based on performance in the field placement and work in the course.
#3: Experiential Quality	The Faculty Supervisor will determine the overall quality of the placement and the student's experience based on the type of work given to the student, the opportunities provided by the placement, and the assignments completed by the student.
#4: Contemporaneous Reflection	Students will reflect on their experiences and goals, through regularly scheduled online classroom assignments and synchronous discussions with their Faculty Supervisor.
#5: Application of Laws, Policies, Procedures, and Operational Techniques	Students will recognize the purposes for, and be able to ethically apply, laws, policies, procedures, and operational techniques to law.
#6: Legal Research and Analysis	Students' research and analysis skills will be refreshed and used effectively in their placements.
#7: Utilization of Information	Students will use practice area or subject matter information to write briefs, orders, and other documents for the field placement.

B. Course Objectives:

The work you will be assigned in your field placement should be the type typically handled by a lawyer or judicial clerk, intellectually challenging, and contribute to your professional growth and development. To promote these objectives, throughout your field placement and this course, you should:

1. Examine the purpose and function of legal professionalism in a (court / private practice / government office / public interest organizational) setting.
2. Engage in legal research and produce legal writings.
3. Demonstrate a greater understanding of the technical and human aspects of the practice of law.
4. Understand the links between the study of law and the practice of law.
5. Examine various laws, regulations, and other legal sources and develop a better understanding of their practical application.
6. Become more aware of your power, responsibility, and professional identity as a lawyer.
7. Become more aware of the critical importance of acting ethically and professionally in all settings, but especially in the court setting.
8. Build a relationship with your judge and his or her staff, and learn from their experiences.

III. Grading Policies.

To receive passing credits for this Externship, you must do the following:

1. Work the requisite number of hours at the field placement in a timely and professional manner. Note that if you know you will be absent, you must let your field supervisor know ahead of time. Under no circumstances should you simply not show up to work without previously informing your supervisor.
2. Complete all reading or other assignments on time.
3. Submit time sheets to Julie Barnes, the Externship Program Coordinator, professionally completed and on time.
4. Furnish bi-weekly journal entries to the Faculty Supervisor on time and of professional quality.
5. Participate in all telephone conversations and/or video conferences with the Faculty Supervisor on time and professionally.
6. Perform work field work on time, and of professional quality.
7. Behave in an ethical and professional manner at all times during the entire externship process. Students should consider their entire externship as an extended interview and behave accordingly.

In addition, you must comply with the following provisions (copied below) contained in the agreement you signed when you registered for this course:

I have reviewed and agree to the following requirements and responsibilities:

1. I will follow the rules and policies established by the Field Supervisor and the Levin College of Law, including but not limited to the rules for hours of office operation and absences, rules governing office procedures, requirements governing the submission of time logs, and all other requirements established by my Field Supervisor and my Faculty Supervisor.
2. I will meet with my Faculty Supervisor before starting my externship, in order to understand the requirements for fulfilling the academic portion of my externship.
3. I will complete all of the work hours required for this externship.
4. I will complete all documentation required by the Field Supervisor and the Levin College of Law.
5. I understand that the Field Supervisor will supervise me while I am at the externship site.
6. I understand that I must act professionally and ethically and that I must maintain the confidentiality of information provided to me through this externship.
7. I will prepare for and participate in all meetings, including orientations, tutorials, and evaluation meetings scheduled by my Field Supervisor and my Faculty Supervisor.
8. I will participate with my Faculty Supervisor in an on-line course, or other form of guided reflection, related to my externship and I will complete the written assignments necessary to satisfy this requirement. I understand that I must observe restrictions mandated by confidentiality and privilege when describing my work to my Faculty Supervisor.
9. I will prepare and submit regular time logs to the office to the Externship Program Coordinator, Julie Barnes (barnes@law.ufl.edu), tel: 352-273-0604.
10. I understand that I am responsible for my own health, accident, and automobile insurance.
11. I understand that I may not receive financial compensation for the work I perform during the course of this externship.
12. I understand that if I fail to complete and report all of my hours or fail to complete any work assigned by my Faculty and Field Supervisors, I may fail the externship.

Statement regarding accommodations for students with disabilities:

Students with disabilities seeking accommodations should first register with the UF Disability Resource Center (tel: 352-392-8565, www.dso.ufl.edu/drc/) with appropriate documentation. After registering, students will receive a letter to give to the instructor when requesting any accommodations. Students with disabilities should follow this procedure as early as possible in the semester.

Evaluations:

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, and students will be informed when they are open. Summary results of these assessments are available to students at: <https://evaluations.ufl.edu/results/>.

Academic Misconduct:

Academic honesty and integrity are fundamental values of the UF community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

IV. Readings for this Externship.**Weeks 1 (8.-12. January) & 2 (15.-19. January) - Professionalism & Discretion in Court.****Required Readings:**

John Paul Jones, *Some Ethical Considerations for Judicial Clerks*, 4 GEO. J. LEGAL ETHICS 771 (1991), available online at:

<http://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1176&context=law-faculty-publications>

Peter Webster, *Ethics & Professionalism on Appeal*, FLA. BAR J. (Jan. 2011) at 16, available online at:

https://www.floridabar.org/divcom/jn/jnjournal01.nsf/c0d731e03de9828d852574580042ae7a/d63aa45c37bd80d78525780100550840!OpenDocument&Highlight=0,*

Also suggested:

Parker B. Potter, Jr., *Law Clerks Gone Wild*, 34 SEATTLE U. L. REV. 173 (2010), available online at: <http://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1963&context=sulr>

Kate Crowley, *Why Can't We Be Friends? A Judicial Clerk's Guide to Social Networking*, 14 RICH. J.L. & PUB. INT. 641 (2011), available online at:

<http://scholarship.richmond.edu/jolpi/vol14/iss4/6>

Week 3 (22.-26. January) – Legal Research & Writing in a Judicial Setting.

Required readings:

UF Law Summer Legal Research Handbook, available online at:
<http://guides.law.ufl.edu/LegalResearchHandbook>

Scott Meisler & Brian Wahlquist, *In Chambers: Effective Writing Tips for Judicial Interns & Law Clerks* (Georgetown Univ. Law School Writing Ctr., 2005), available online at:
<https://www.law.georgetown.edu/academics/academic-programs/legal-writing-scholarship/writing-center/upload/inchambers.pdf>

LAW CLERK HANDBOOK: A HANDBOOK FOR LAW CLERKS TO FEDERAL JUDGES chapters 2 & 5 (Fed. Jud. Ctr., Sylvan A. Sobel ed., 2007), available online at:
<https://public.resource.org/scribd/8763855.pdf>

Also suggested:

Jennifer Sheppard, *The “Write” Way: A Judicial Clerk’s Guide to Writing for the Court*, 38 U. BALT. L. REV. 73 (2008), available online at: <http://ssrn.com/abstract=1830519>

Week 4 (29. January-2. February) – The role & function of Florida District Courts of Appeal.

Required readings:

FLA. CONST. art. V, §§ 1-6 (especially Section 4).

FLA. R. APP. P. (2016) (especially Rules 9.030, 9.200, 9.210, 9.300, 9.315, 9.320, 9.330, 9.331 & 9.800), available online at:
[http://www.floridabar.org/TFB/TFBResources.nsf/0/830A6BC6B90DA05685256B29004BFAC0/\\$FILE/Appellate.pdf](http://www.floridabar.org/TFB/TFBResources.nsf/0/830A6BC6B90DA05685256B29004BFAC0/$FILE/Appellate.pdf)

Steven L. Brannock, *Seeking Appellate Review – How to Perfect Your Appeal*, FLA. BAR J., April 2007, at 20, available online at:
<https://www.floridabar.org/divcom/jn/jnjournal01.nsf/Author/0D727D3A3724B95B852572AC00552A20>

Raymond T. Elligett, Jr., & John M. Scheb, *The Appellate Decision-Making Process*, FLA. BAR J., April 2006, at 45, available online at:
<http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/8c9f13012b96736985256aa900624829/1a9453d0134557548525713b005c291b?OpenDocument>

Also suggested:

FLORIDA DISTRICT COURTS OF APPEAL: A DESCRIPTIVE REVIEW (Fla. Office of the Courts Admin., Nov. 2006) (included as Appendix D in DISTRICT COURT OF APPEAL WORKLOAD & ASSESSMENT COMMITTEE, REPORT & RECOMMENDATIONS, Nov. 2006), available online at: http://www.flcourts.org/core/fileparse.php/260/urlt/dca_workload.pdf

Week 5 (5.-9. February) – Relationship between District Courts & Supreme Court.

Required Readings:

Supreme Court as a Court of Extraordinary Jurisdiction – limits on appeals of District Court ‘PCA’ decisions.

FLA. CONST. art. V, § 3(b)(3) – review of decisions of district courts of appeal “that expressly and directly conflict with a decision of another district court of appeal or of the supreme court on the same question of law.”

Jenkins v. State, 385 So. 2d 1356 (Fla. 1980).

Dodi Publ. Co. v. Editorial America, S.A., 385 So. 2d 1369 (Fla. 1980).

Limited Exception Rule that PCA Decisions are Non-Reviewable.

Jollie v. State, 405 So. 2d 418 (Fla. 1981).

Also suggested:

Steven Brannock & Sarah Weinzierl, *Confronting a PCA: Finding a Path Around a Brick Wall*, 332 STETSON L. REV. 367 (2003), available online at: <http://www.stetson.edu/law/lawreview/media/confronting-a-pca-finding-a-path-around-a-brick-wall.pdf>

Ezequiel Lugo, *The Conflict PCA: When an Affirmance Without Opinion Conflicts with a Written Opinion*, FLA. BAR J., April 2011, at 46, available online at: https://www.floridabar.org/divcom/jn/jnjournal01.nsf/c0d731e03de9828d852574580042ae7a/ff261723e3328ab385257863004bd234!OpenDocument&Highlight=0,*

Week 6 (12.-16. February) – Appellate Process at the District Courts of Appeal.

Required Readings:

FLA. CONST. art. V, § 4(b)(1).

Right to Appeals of Final Orders.

In re Amendments to the Fla. Rules of Appellate Procedure, 696 So. 2d 1103, 1104 (Fla. 1996).

Citizens' Right to Appeal:

Bain v. State, 730 So. 2d 296 (Fla. 2d DCA 1999).

State's Right to Appeal:

State v. Creighton, 469 So. 2d 735 (Fla. 1985).

Also suggested:

Thomas J. Seider, *Appealing Post-Judgment Orders: The Path to Appellate Review Under the New Rule 9.130(a)(4)*, FLA. BAR J., Sept./Oct. 2015, at 42, available online at:

https://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/c0d731e03de9828d852574580042ae7a/c4825cbcb8a994da85257eab006c0cfd!OpenDocument&Highlight=0,*

Week 7 (19.-23. February) – Appellate Process, continued.

Required Readings:

FLA. CONST. art. V, § 4(b)(1).

Right to Appeals of Non-Final Orders of Circuit Courts.

Citizens Property Ins. Corp. v. San Perdido Ass'n, Inc., 104 So. 3d 344 (Fla. 2012).

Existence of Court Rule:

Board of Trustees of Internal Improvement Trust Fund v. Walton County, 121 So. 3d 1166 (Fla. 1st DCA 2013).

Limits on Appeals of Non-Final Orders:

Mills Elect. Contractors v. Marthens, 417 So. 2d 700 (Fla. 1982).

Also suggested:

Jack R. Reiter, *Review of Non-Final Orders – An Exception to the Requirement of Finality*, FLA. BAR J., March 2008, at 45, available online at:

<https://www.floridabar.org/divcom/jn/jnjournal01.nsf/Author/7AB5C13F42C5A8D3852573FB004C6572>

Week 8 (26. February-2. March) – Certiorari & Original Jurisdiction of District Courts.

Required Readings:

Certiorari Jurisdiction.

Matthew J. Conigliaro, *The Continuing Story of Certiorari*, FLA. BAR J., Dec. 2009, at 38, available online at:

<https://www.floridabar.org/divcom/jn/jnjournal01.nsf/Author/354231D07E90A8118525787D005BB1CA>

Martin-Johnson, Inc. v. Savage, 509 So. 2d 1097 (Fla. 1987).

Allstate Ins. Co. v. Kaklamanos, 843 So. 2d 885 (Fla. 2003).

Also suggested:

Habeas Corpus.

Alachua Regional Juvenile Detention Center v. T.O., 684 So. 2d 814 (Fla. 1996) – limitations

Florida Parole & Probation Comm'n v. Baker, 346 So. 2d 640 (Fla. 2d DCA 1977) - limitations