**SYLLABUS**

**Practical Lawyering for the Twenty-First Century**

**(Planning for a Thriving Career)**

**August 17 to August 21**

This compressed course is designed to inspire and equip you to take ownership of your career and its path. You will discover what your strengths are, gain an appreciation for your weaknesses, and learn how to devise a strategic plan that favors your strengths and integrates your passions. You will learn how to be relational, avoid becoming commoditized, to be a trusted advisor, and build and manage your personal brand. You also will be introduced to tools to advance on a solid career path and find your way back should you deviate from that path.

**INSTRUCTOR:** Michael Freed, Shareholder, the Gunster Law Firm

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**CLASSROOM:** TBD

**CLASS TIME:** 9 am to 11:50 am M, T, W, Th

9 am to 10:50 am F

**OFFICE HOURS:** After class and by appointment on Zoom or telephone

**FINAL EXAM:** The final exam will be a written exam (both multiple choice and short written essay) to test your knowledge of the topics covered during the course, including through the written materials.

**WORKLOAD AND CLASS PREPARATION**

Students will be provided, both before the course begins and during the course, a variety of articles and other writings by thought-leaders. It is anticipated that students will spend at least two hours out of class reading and/or preparing for assignments for every hour of class. Students will also be asked to read the book Strength Finders and take the on-line survey that provides an analysis of personal strengths and areas of weakness.

**STUDENT LEARNING OUTCOMES**

After completing this course, students will:

1. Understand the importance of taking ownership of their career and its path.

2. Understand the interplay between career and life in defining and achieving success.

3. Understand how to avoid career dissatisfaction by practicing with passion.

4. Learn strategies to avoid becoming a commodity.

5. Learn strategies to become a trusted advisor and to bring added value to clients and referral

sources.

6. Understand the importance of establishing a personal “brand” and protecting reputation.

7. Learn strategies for dealing with difficult people and to avoid becoming one.

8. Learn their own strengths and weaknesses and understand how best to integrate them into a

positive career.

9. Understand the benefits and pitfalls of entrepreneurial lawyering.

10. Gain an appreciation for the value of life-long learning and leveraging technology.

11. Gain an appreciation for the signs of addiction and mental illness, and the tools for avoiding

those conditions.

**COURSE GRADING**

Grades will be based primarily on a final examination and, to a lesser extent, effort expended in reviewing the written materials and in class participation, including group exercises, **The components of the final grade will be: (1) class preparation/participation/attendance – 25% (to be gauged in part by journaling) and (2) final written examination - 75%.**

## **GRADING INFORMATION**

The Levin College of Law’s mean and mandatory distributions are posted on the College’s website and this class adheres to that posted grading policy. The following chart describes the letter grade/grade point equivalent in place:

|  |  |
| --- | --- |
| Letter Grade | Point Equivalent |
| A (Excellent) | 4.00 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.00 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.00 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.00 |
| D- | 0.67 |
| E (Failure) | 0.00 |

The law school grading policy is available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

**ATTENDANCE**

Per ABA requirements, please attend all class meetings unless you e-mail the instructors in advance with a legitimate excuse. Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that may be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

The best things that a student can do to maximize the possibility of doing well in the course in terms of a grade is to keep up with the class reading assignment, attend and actively and collaboratively participate in each class and take the final written assignment seriously.

**ACCOMMODATIONS**

Students requesting accommodation for disabilities must first register with the Disability Resource Center  (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible.

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the Disability Resource Center. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.

Also, with prior notification to the professor, students are entitled to be excused from class or other scheduled academic activity to observe a religious holiday of their faith. Students are entitled to have a reasonable amount of time to make up the material or activities covered in their absence. Students will not be penalized due to absence from class or other scheduled academic activity because of religious observances.

**ACADEMIC HONESTY**

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

**COURSE EVALUATIONS**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens, and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

**READING ASSIGNMENTS (Subject to updates/additions) (See attached Lesson Plan, which delineates the material to read for each day of class).**

Tom Rath, *Strengthsfinder 2.0*, (Gallop Press, ed. 2017).

paul haskins, *the relevant lawyer – reimagining the future of the profession*, (American Bar Association 2015).

richard susskind, *tomorrow’s lawyers – an introduction to your future*, (Oxford Press, 2nd ed. 2017).

Courtbuddy, *Avoid the Heard: 5 Ways to Stand Out as a Lawyer*, *Courtbuddy Blog* (Jan. 26, 2017), http://medium.com/@courtbuddyinc/avoid-the-herd-5-ways-to-stand-out-as-a-lawyer-ad65da52dfbd.

Michael Fleming, *Becoming A Trusted Advisor: The Ten Behaviours,* *Kissing With Confidence - We Create Rainmakers*  (Apr. 19, 2013), http://www.kissingwithconfidence.com/blog/becoming-a-trusted-advisor-the-ten-behaviours/.

Sherrie Campbell, *Eight Gifts of Giving Back*, Entrepreneur, (Oct. 12, 2017), https://www.entrepreneur.com/article/302429.

Sunny Choi, *Finding Your Passion in the Law (Part 1)*, Above the Law (Mar. 6, 2014), https://abovethelaw.com/career-files/finding-your-passion-in-the-law-part-1/.

Michael S. LeBoff, *Five Billing Tips for Young Lawyers, Making the Most of Your Time*, Am. Bar Ass.: Practice Pointers (Oct. 27, 2017), https://www.americanbar.org/groups/litigation/committees/commercial-business/practice/2017/5-billing-tips-for-young-lawyers/

Julianne Hill, *For More Good Some Law Firms Find Other Ways to Provide Service to Society*, 103 ABA J. 34, (Feb. 2017).

Leslie A. Gordon, *Stressed Out How to Avoid Burnout and Debilitating Anxiety*, 101 ABA J. 58 (July 2015)

Aytekin Tank, *How to Handle Difficult People (and Still Achieve Your Business Goals),* Entrepreneur, (Aug. 21, 2019), https://www.entrepreneur.com/article/337994.

Samantha Ettus, *Nine Ways to Make Yourself Easy to Work With*, Forbes (Jul. 19, 2013), https://www.forbes.com/sites/samanthaettus/2013/07/19/9-ways-to-make-yourself-easy-to-work-with/#427744304a87.

Megan Mosley, *Paid, Owned, Earned Media - How to Get the Best of Each Type*, Referral Rock Blog (Sept.12, 2018), https://referralrock.com/blog/paid-owned-earned-media/

John Rampton, *Personality Traits of An Entrepreneur*, Forbes, (Apr. 14, 2014), https://www.forbes.com/sites/johnrampton/2014/04/14/5-personality-traits-of-an-entrepreneur/#30719cef3bf4.

Adam Grant, *Productivity Isn’t About Time Management, It’s About Attention Management*, N.Y. Times, (Mar. 28, 2019), https://www.nytimes.com/2019/03/28/smarter-living/productivity-isnt-about-time-management-its-about-attention-management.html.

Linda Ellis*, The Dash*, Southwestern Inspire Kindness (1996), https://thedashpoem.com/.

Jeffrey J. Selingo and Kevin Simok, *The Future of Your Career Depends on Lifelong Learning*, Forbes, (Oct.9, 2017), https://www.forbes.com/sites/schoolboard/2017/10/09/the-future-of-your-career-depends-on-lifelong-learning/#36eaf04b1bd7.

Lizz Schumer, *Why Following Your Passion is Good For You (and How to Get Started),* N.Y. TIMES (Oct. 10, 2018), https://www.nytimes.com/2018/10/10/smarter-living/follow-your-passion-hobbies-jobs-self-care.html?auth=login-facebook&login=smartlock&auth=login-smartlock.

Lesson Plan

Practical Lawyering in the 21st Century

(Planning for a Thriving Career)

Michael R. Freed, Esq.

Monday – Session 1 - August 16

[Reading Assignments: Strength Finders, including taking assessment and reviewing results; The Dash; Avoiding the Herd – 5 Ways to Stand Out]

1. Live Your Dash. The catalyst for the introductory module and exercise of this course will be The Dash – written by Linda Ellis. Simply put, the dash is just that – the dash in between one’s date of birth and date of death, often found on a tombstone. This poem concludes, “So, when your eulogy is being read, with your life’s actions to rehash…would you be proud of the things they say about how you spent YOUR dash?” In that sense, this course will be an opportunity to live life backwards – for each student to visualize what she wants her legacy to be and to devise a path to fulfill it. After introducing this concept through discussion and reference materials, each student will be asked to craft their own end of life eulogy – what the student hopes to accomplish with the student’s dash. This course will provide the option for the student to build-on the strategic plan that student’s created during their 1L year by preparing a more elaborate plan for professional and personal life. As the course work will reveal – the two are inextricably intertwined. This effort will be informed by each course module that follow.
2. Finding and leveraging strengths. One person’s strengths are another’s weaknesses, and weaknesses do not generally change much over time. The key to managing this dynamic is truly understanding what you tend to be good at and what you are not, and surrounding yourself with others who are strong where you are weak and weak where you are strong. This takes a humility and empathy that is not natural for most of us. In this module, each student will analyze the results of their Strength Finders assessment. We will use the results for group exercises designed to understand the myriad of qualities for a successful team and how to foster an environment where each person’s strengths are fostered and utilized. This module will sensitize students to the value of empathy and of diversity and inclusion, both in a sense of self-development and also in embracing colleagues and clients who are different in identity, background and life experience.

Monday Session 2 – August 16

[Reading Assignments: Susskind, Part 1, Section 4 – Working Differently; Choi – Finding Your Passion in the Law; Schumer – Why Following Your Passion is Good for You; The Relevant Lawyer – Ch. 2 (The Legal Industry of Tomorrow Arrived Yesterday: How Lawyers Must Respond), Ch. 4 (Client Change – The Age of Consumer Self-Navigation); Susskind, Part 1, Section 3 (Commoditizing the Law)]

1. “Work/Life balance” – an illusion? This module will discuss the various meanings and aspects of “work/life balance.” Students will be exposed to schools of thought on how to avoid burn-out, make an impact and achieve greater satisfaction professionally and personally. As part of this module students will establish an evolving plan of action for their post-law school career.
2. Practicing with passion. Lawyer career satisfaction is directly proportionate to whether she has a career about which she has passion. In this module, students will assess what their passion is and how to channel it professionally. Students also will be exposed to corrective courses of action when passion diminishes. Students will also be engaged in discussions on how to bring passion to everything that they do and the professional and personal benefits of doing so.
3. Competing with Legal Zoom! How to avoid becoming a commodity. Like it or not, challenges have arrived, and will grow, to the traditional lawyering model. Lawyers who simply provide a specific service will struggle if not become entirely obsolete. Those who embrace the status of “counselor,” who are true trusted advisors (not simply attorneys), who add value and build relationships will survive and thrive. This module will examine how to set and pursue a path to be the latter, and how to avoid the former.

Tuesday Session 1 – August 17

[Reading Assignments: Flemming – Becoming a Trusted Advisor]

1. Becoming a “trusted advisor.” A trusted advisor is sought out for practical counsel that goes beyond his narrow area of expertise; he builds relationships with his clients; he takes ownership; instills confidence; and, as a result, he has his own brand and clients ask for him by name. This module will explore what separates a trusted advisor from others and how to set out to become one.
2. Value added. If all you have is a hammer, everything looks like a nail. Lawyers are no different. Transactional lawyers draft agreements and litigators litigate. But those are only tools. To be a value added lawyer, one must appreciate the full panoply of legal and other tools available to anticipate, identify and solve problems. Students will learn how in this module.
3. Being relational. Successful lawyers work closely with accountants, financial advisors, investment bankers, and a variety of other professionals in a wide variety of subject matters. And referrals and clients come from those same professionals. Becoming known and respected by such professionals takes a deliberate, effort over the life of a career. There are right and wrong ways to approach that effort. This module will explore them.

Tuesday Session 2 – August 17

[Reading Assignments: Mosley – Paid, Owned and Earned Media]

1. Making a name for yourself “earned” media vs. marketing. Everyone sells, even business lawyers. The question is how to build and maintain a brand professionally and ethically. Anyone can buy an advertisement but this is generally expensive and less than helpful. The secret is earned media – becoming a subject matter expert for the media, community involvement, political and cause engagement, and strategic publication are among the available tools to earn media. Students will learn these best practices in this module.
2. Reputation management. It takes a career to build a reputation and only one dumb decision to ruin it. Building a reputation amongst others in the legal community is critical to success. But far too many lawyers focus too much on “zealous advocacy” and not enough on the other pillars of the profession. The result is bad reputation. And the consequences are devastating. In this module, we will discuss how a lawyer can aggressively advocate for clients while building and maintaining a reputation for integrity.

Wednesday Session 1 – August 18

[Reading Assignments: Tank – How to Avoid Difficult People; Ettus – Nine Ways to Make Yourself Easy to Work With; The Relevant Lawyer, Ch. 6 (Diversity and Inclusion as Filters for Envisioning the Future)]

1. Dealing with difficult people. Opposing counsel, judges, clients, colleagues – where there are people, there are difficult people. Difficult people are the norm, not the exception, in a profession that litigates or negotiates for a living. Indeed, even ordinarily pleasant people often become more difficult when dealing with the stress of legal issues and processes. This module will explore how to diffuse encounters with difficult people and even gain strategic advantage by using abrasive personalities and practices against the perpetrators.
2. If everyone is a difficult person, it might be you. Self-awareness is key to each of the topics covered in this course. What do you think you are like? What would others say about you? The answers are almost certainly not the same. So, how do you adjust the former in light of the latter and integrate it into how you interact with others and otherwise perform as a lawyer. This module will analyze that. As part of this module, students will assess the attributes of their personality traits, the attributes of the personalities of others, and an appreciation for how to engage respectfully and productively with the full gamut of personalities.

Wednesday Session 2 – August 18

[Reading Assigments: LeBoff – Five Tips for Billing; Grant, *Productivity Isn’t About Time Management, It’s About Attention Management]*

1. The most important advocacy – your billing. Far too many lawyers pay little attention to how they “sing for their supper.” Narratives in billing statements and other client communications are critical to demonstrating value. We will explore in this module billing methodologies that align fee structure with client goals and how best to articulate that alignment.
2. Time management. Lawyers today have the same 24 hours of each day that lawyers one hundred years ago had. But the time demands and distractions have increased many times over and this trend will only grow. Many lawyers simply do the equivalent of “playing whack-a-mole” addressing one urgent matter or the most recent telephone call or email as quickly as possible. This results in disjointed work product, inefficiencies and personal dissatisfaction and is often the introductory narrative in bar grievance and malpractice opinions. Organization, boundary-setting, prioritization, mindfulness and delegation are a few of the necessary tools to effectively and productively manage time as a lawyer. We will learn just how to do that in this module.

Thursday Session 1 – August 19

[Reading Assignments: Rampton, *Personality Traits of An Entrepreneur*; Susskind, Part 1, Section 5 (Disruptive Legal Technologies; Susskind, Part 3, Section 18 (Artificial Intelligence and the Long Term); The Relevant Lawyer, Ch. 7 (The Future of Virtual Law Practice)]

1. Entrepreneurial lawyering – the opportunities and pitfalls. Many people (lawyers included) want to be “entrepreneurs.” Entrepreneurship by its very nature involves high risk as the exchange for a potentially large return. Many lawyers successfully parlay legal careers into entrepreneurial opportunities, but many more try and fail. The pitfalls are not only financial but in many cases ethical as pressure increases to blur the line between lawyer and business participant. This module will analyze, through case studies and otherwise, the opportunities and pitfalls of becoming an entrepreneur.
2. Leveraging technology. Lawyers can no longer put their heads in the sand and ignore the – sometimes welcomed and sometimes invasive – presence of technology in the legal profession. Data analytics, e-discovery, computer forensics, and app after app after app tailored for the profession – are just a few of the ways in which technology undergirds the profession. This module will demonstrate the best of what’s available and what’s to come and how smart lawyers can leverage it all.

Thursday Session 2 – August 19

[Reading Assignments: Selingo and Simok, *The Future of Your Career Depends on Lifelong Learning*; The Relevant Lawyer, Ch. 3 (Alternative Legal Service Providers: Filling the Justice Gap, Ch. 17 (Mentoring: No App for That); Hill, *For More Good Some Law Firms Find Other Ways to Provide Service to Society*; Campbell, *Eight Gifts of Giving Back]*

1. Life-long learning – grow or go. It is often said that law school teaches you how to think – the law, well, that takes a lifetime to learn. To succeed as a lawyer, you must engage in a steady deliberate process to become educated and stay abreast of substantive and procedural law, as well as industry trends, impacting your area of interest or expertise. In this module, we will discuss the strategies and resources available to do that.
2. Giving back – what goes around comes around. To whom much is given, much is expected. True professionals get connected and give back. This includes community service, bar service, mentorships, philanthropy, and community trusteeship. We give to serve others, but the returns are plentiful. This module will explore why the happiest and most successful lawyers are big givers.

Friday – August 20

[Reading Assignments: Gordon, *Stressed Out How to Avoid Burnout and Debilitating Anxiety; Strategic Plan Models]*

1. High octane living – the damages of addiction. Lawyering attracts and fosters addictive behavior – drug abuse, alcoholism, relational addictions, to name a few. They destroy careers, businesses, marriages and families. Addiction is a crisis in our profession and it is getting worse. This module will assess why and how to identify addictive tendencies in yourself and others, and how to get and provide help when needed.
2. Putting it All Together – Writing Your Plan – Short, Mid and Long-Term Goals. . We will discuss best practices for preparing and refining a comprehensive personal strategic plan (with short, mid and long-term goals), incorporating the tools and action items designed to maximize success.