

**The Legal Profession (B614)**  
Indiana University Maurer School of Law  
Professor Henderson (Spring 2012)

**How to reach me**

My office is #255

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Weekly office hours (for which no appointment is necessary): Monday, 9:50-11:15 am. I also am available other times; please feel free to make an appointment.

**1. Required Course Materials**

- Course Packet, available from IU and TIS bookstores
- Thomas Morgan & Ronald Rotunda, *SELECTED STANDARDS ON PROFESSIONAL RESPONSIBILITY* (2012) (denoted "PR")
- Materials posted on OnCourse site
- I-clicker – students will receive an I-clicker from the Law School. To pick up your I-clicker, please see Sheila Gerber in Room 252A. You will need your I-clicker regularly in class.

Please familiarize yourself with the OnCourse site. You will find posted there supplementary materials not in your Course Pack, copies of this syllabus (posted under the “Syllabus” tab) and other course documents, including the JD GPS assignment materials (posted under the “Resources” tab). Please be sure to let me know if you have any difficulty using the site or accessing any of the materials posted there.

**2. Supplementary Reference Materials:**

Students who wish to consult additional reference materials might find the following materials useful:

- John Steele, *OUTLINE OF THE LAW GOVERNING LAWYERS* (available on the OnCourse site).
- Geoffrey C. Hazard & W. William Hodes, *THE LAW OF LAWYERING* (Aspen 3d Ed.), a two-volume treatise on the law of professional responsibility, on reserve in the law library
- Ronald Rotunda & John S. Dzienkowski, *PROFESSIONAL RESPONSIBILITY, A STUDENT'S GUIDE*, 2011-2012 ed.

**3. Reading Assignments**

I will be posting reading assignments one to two weeks in advance in the “Assignments 2” section of OnCourse. With a few exceptions, we will be proceeding through the Course Packet in order (which consists of 17 chapters).



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#### **4. About the Course**

This course is about what lawyers do – their work, the situations they often encounter in various types of practice settings and substantive areas of law, and the law governing those situations. In the course, we'll focus on a number of issues, including differences in work settings and substantive areas of practice, ethical issues related to practicing law, and the behaviors and skills characteristic of successful lawyers in these settings and practice areas. Our goal is to help you reflect on the practice settings and substantive areas of focus that might appeal to you, be most consistent with your values, goals and strengths, and help you evaluate the challenges often faced by lawyers. In combination with the Career Choices sessions (discussed below) and your work for the JD-GPS project, the course will support you in evaluating where you might fit in the profession. Through this process, you will also begin to understand the skills sets you may need in order to be successful in your work.

A more comprehensive treatment of the course is set forth in Chapter 1 of the Course Packet.

#### **5. Components of the Course**

This course has several moving parts so let me list them here: (1) reading for, attending and participating in class; (2) prep work and presentations completed as a Practice Group; (3) completion of JD GPS assignment (assigned during fall semester), (4) attendance in Career Choices sessions, and (5) optional informational interviews and dinners with Career Choices guest speakers.

#### **6. Checklist for the Course**

To successfully complete this course, you need to do the following:

- (a) *Attend class.* I take attendance. After six absences, barring death or disability, expect a lower grade. If your absences are chronic, you may be precluded from taking the final exam.
- (b) *Attend at least the minimum three Career Choice sessions* (described below). In years past, the average student attended five, presumably because they were useful and informative.
- (c) *Read all the assigned reading in a timely fashion.* This will enable you to follow and contribute to class discussion, enable you to contribute to functioning and performance of your Practice Group, and provide a complete basis for writing your reflective essay.
- (d) *Do your part to turn your Practice Group into the Team.* See Chapter 2 of the Course Packet. This includes (a) completing your mid-semester 360 peer evaluation, (b) accessing, reading and reflecting on the feedback given to you, and (c) comporting with the requirements of your team charter (an assignment in Chapter 2), and (d) doing what it takes to produce a first-rate work product for the Graded Group Presentation during the second full week of April.



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- (e) *Complete the JD GPS assignment, following all instructions.* This assignment cannot be done well at the last minute. You should be pacing yourself throughout the semester.
- (f) *Read all class communications in a timely fashion.* This sounds obvious, but sometimes we fail in the execution stage.

## **7. Career Choices Speaker Series**

The Career Choices sessions bring lawyers to the law school to speak to students about their work, including the setting in which they work and their substantive area of practice. These sessions are an integral part of the Legal Professions course. You must attend at least three Career Choices workshops as part of your Legal Professions course requirement. Many of the lawyers who speak at the Career Choices sessions also will be available for individual or small-group informational interviews and/or dinner during their visit.

The Office of Career and The Office Professional Development (OCPD) organizes the Career Choices sessions, small group/individual interviews, and dinners through the Symplicity program, and tracks attendance for fulfillment of the course requirements. The instructions to sign up for each of the Career Choices sessions, interviews, and dinners are below.

### **Important:**

Only sign up for events, interviews, and dinners you plan to attend. If you discover that you are unable to attend an event for which you are registered, it is both a matter of professional courtesy to our invited guests and to your classmates to remove your name in time for others to take advantage of these limited opportunities. We rarely have an issue with this, but if you have not removed your name and do not attend a workshop two times, you will be blocked from using Symplicity until you have spoken to someone in OCPD. If you miss an informational interview or (heaven forbid) a dinner, you will be required to work with OCPD to fashion an appropriate apology letter for our invited guests before being permitted to use Symplicity again.

### ***Signing up for and attending a WORKSHOP***

1. Log into Symplicity (See OCPD for questions about logging into your account)
2. Click on the “Events” tab at the top of the page
3. Click on the “Workshops” tab
4. You will see the sessions for which you can sign up listed as “Career Choices: . . .” If you click on the name of the session you will see the full details about that session including information about the speakers. To sign up for the session, click on the RSVP button on the bottom of that page. You will receive a confirmation e-mail that you are registered.
5. The day before the event you will receive a reminder e-mail about the session. **You need to print out this e-mail and bring it with you to the session.** This is your “ticket” into the

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session. If you don't bring the e-mail, you will be allowed to enter, but only after everyone else is in the room.

Only sign up for sessions you plan to attend. If you are unable to attend a session for which you signed up, please remove your name on Symplicity or inform OCPD of your expected absence. Because a number of the sessions are fully booked, it is critical that we know if you are not able to attend, so that we can let others take your place. Finally, if you wish to attend a session for which you have not signed up, you can sign in at the door, but will only be able to enter after everyone who signed up is in the room.

#### ***Signing up for and attending SMALL GROUP INFORMATIONAL INTERVIEWS***

1. Log into Symplicity and follow the same procedures outlined in step 1-3 above.
2. You will see a list of the "Small Group Informational Interviews with . . ." events for which you can sign up. Click on the name and then the RSVP button on the bottom of that page.
3. Note that there is a limit of five students for each of these small group informational interviews; these are available on a first-come, first-serve basis.

#### ***Signing up for and attending DINNER with a practitioner***

1. Log into Symplicity and follow the same procedures outlined above.
2. You will see a list of the "Dinner with . . ." events for which you can sign up. Click on the name and then the RSVP button on the bottom of that page.
3. Note there is very limited space for the dinners so each student is allowed to sign up and attend at most one dinner. Dinners will take place at Michael's Uptown Café located at 102 East Kirkwood Ave, just east of the square.

### **8. Practice Groups**

During this semester, your Practice Group will continue to function independently of LP, as it did in the Fall, but it also will become a working team within the LP course. LP requires Practice Groups to work together to discuss and prepare problems weekly for class and to develop group presentations during and at the end of the semester.

At the same time, your practice group will continue to function apart from LP in much the same way it has worked since the Fall. Often, your outside activities will mesh with the goals of LP. For example, the practice group interview session (organized through OCPD) is an opportunity for you to gain experience in interviewing in a supportive environment. Mock interviews are organized by PGAs and recorded. You will receive a personal DVD to review your own performance and also will receive constructive feedback. The goal of the interviewing session is to help you develop interview and presentation skills and construct a personal story that integrates your strengths and experiences in a context that is relevant to a particular job opportunity.



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## 9. Course Grade

Your final grade in the Legal Profession class will be based on the following:

Weight	Component
10%	Individual participation comprised of the following elements: (i) Class attendance, preparation and participation (ii) Attendance at a minimum of three Career Choices presentations, as documented by OCPD (iii) In-class quizzes, if any.
20%	JD-GPS paper, due <b>April 19, 2012 at 5:00 pm (ET)</b> . (Note: your grade will reflect completion of all elements of the JD-GPS assignment, which should be reflected in the paper. See JD-GPS assignment document, posted on OnCourse)
15%	Team presentations at the end of the semester (tentatively, the week of April 9 <sup>th</sup> )
20%	Teamwork, comprised of the following elements: (i) Team Charter assignment (completed+submitted/not completed/not submitted), (ii) 360 reviews (mid-semester: completed+retrieved; final: completed+submitted), (iii) Class participation through teams (iv) Mid-semester team presentation and evaluation
35%	Final examination
100%	Total

The final exam will be graded under the traditional Law School curve (3.3 mean). The non-exam components, however, will be assessed using a “criterion-based” approach. Criterion-based grading allocates grades based upon objective attainment of specific goals and criteria (this is in contrast to curved-based grading, which allocates grades based on ordinal ranking of students along a predetermined grade distribution<sup>1</sup>).

## 10. Remaining Questions?

Please be sure to ask me if you have any questions about the Syllabus (or the course!).

<sup>1</sup> For a discussion of criterion-based grading versus curved-based grading in the law school context, see Sullivan et al., *Educating Lawyers: Preparation for the Practice of Law 168-72* (2007) (noting that under a criterion-based grading system, “an absolute [as opposed to relative] standard of performance determines who receives A’s and who will receive other grades”).

## Appendix 1: Six Competencies for Lawyering

### CORE COMPETENCIES FOR LAWYERS AND LAW STUDENTS

Competence as a lawyer is a function of how well the lawyer performs across a wide range of variables. Analytical and problem solving expertise are a given. Clients expect that their lawyers will perform well in navigating through the legal system and attain a good, fair result for them. However, common sense and substantial research now show that clients demand that their lawyers also exhibit superior relationship and trust building skills, as well as high emotional intelligence. Further, success and career satisfaction increasingly are found in those lawyers who exhibit a host of additional qualities, attributes, personal values, and special skills. At the core of these are the skills of listening, questioning, and communicating effectively, and having the capacity for recognizing our own feelings and those of others. It also involves managing our emotions well within ourselves and in our relationships, and learning to be resilient in the face of frustration, failure, and our limitations. Here are further definitions of these core competencies:

**SELF AWARENESS** – Having a highly developed sense of self. Being self-aware means knowing your values, goals, likes, dislikes, needs, drives, strengths and weaknesses, and their effect on your behavior. Possessing this competence means knowing accurately which emotions you are feeling and how to manage them toward effective performance and a healthy balance in your life. If self-aware, you also will have a sense of perspective about yourself, seeking and learning from feedback and constructive criticism from others.

**ACTIVE LISTENING** – The ability to fully comprehend information presented by others through careful monitoring of words spoken, voice inflections, para-linguistic statements, and non-verbal cues. Although that seems obvious enough, the number of lawyers and law students who are poor listeners suggests the need for better development of this skill. This skill requires intense concentration and discipline. Smart technology devices have developed a very quick mode of “listening” to others. Preoccupation with these devices makes it very challenging to give proper weight and attention to face-to-face interactions. Exhibiting weak listening skills with our colleagues/classmates/clients might also mean that they will not really get to the point of telling us what they really meant to say. Thus, we miss the whole import of what the message was to be.

**QUESTIONING** – The art and skill of knowing when and how to ask for information. Questions can be of various types, each type having different goals. Inquiries can be broad or narrow, non-leading to leading. They can follow a direct funnel or an inverted funnel approach. A questioner can probe to follow up primary questions and to remedy inadequate responses. Probes can range from encouraging more talk to asking for elaboration on a point to even being silent. Developing this skill also requires controlling one’s own need to talk and control the conversation.



EMPATHY – Sensing and perceiving what others are feeling, being able to take their perspective, and cultivating a rapport and connection. To do the latter effectively, you must then communicate that understanding back to the other person by articulating accurately those feelings. That person then will know that you have listened accurately, that you understand, and that you care. Basic trust and respect can then ensue.

COMMUNICATING/PRESENTING –The ability to assertively present compelling arguments respectfully and sell one’s ideas to others. It also means knowing how to speak clearly and with a style that promotes accurate and complete listening. As a professional, communicating means to persuade and influence effectively within an interaction without damaging the potential relationship. Being able to express strong feelings and emotions appropriately in a manner that does not derail the communication message is also important.

RESILIENCE –The ability to deal with difficult situations calmly and cope effectively with stress; to be capable of bouncing back from or adjusting to challenges and change; to be able to learn from your failures, rejections, feedback and criticism, as well as disappointments beyond your control. Being resilient and stress hardy also implies an optimistic and positive outlook, one that enables you to absorb the impact of the event, recover within a reasonable amount of time, and to incorporate relevant lessons from the event.



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