

LAWS 641: Serving Clients Well (Foundations II)
University of St. Thomas School of Law
Syllabus – January 2020

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Serving Clients Well (LAWS 641)

Course Description: Lawyers are viewed as problem-solvers, and as leaders in society, and this class introduces a framework of ethical leadership and helps set a trajectory for continued growth. This course highlights skills and traits needed for attorneys to thrive, and provides avenues to consider how to act in alignment with one’s values. Given the mission of St. Thomas Law School, the class places a special emphasis on relationships. The class also will facilitate opportunities to discuss problem-solving and cross-cultural competency.

More specifically, this course builds on the foundation laid with Moral Reasoning for Lawyers (Foundations I) in terms of highlighting the interpersonal skills that are essential for providing great service to clients in ways that promote their autonomy and respect their dignity. This course carries forward themes from Moral Reasoning for Lawyers (Foundations I), and introduces students to some of the key skills, competencies and values necessary to succeed in serving clients well. The class will facilitate opportunities to understand the different contexts in which one can serve clients, to reflect upon the strengths and passions each of us brings with us as we prepare to serve clients, and to learn about and practice some of the key competencies associated with successful client service – including communication, problem-solving, collaboration, leadership, and integrity.

Grading, Credits, and Expectations: LAWS 641 is a pass-fail, one-credit course. Attendance is required. A passing grade will be earned based on successful completion of all assigned tasks set forth below, including completing all elements of the Roadmap to Employment materials and meetings, and finishing the group project and related writing assignments. Students are expected to have read relevant materials prior to class sessions and should be prepared to engage the materials and to ask questions as appropriate.

1. First, you must complete and submit the **Client Interview Exercise prior to Wednesday, January 8.**
2. Second, you must complete the **Roadmap Template by Monday, January 13** and **Meet with your Roadmap Coach by Friday, February 14.** In conjunction with

- your Roadmap Template, if you have not already done so, you also must meet with someone in the CPD office to discuss your plans for your job search over the coming semesters.
3. Third, you must work with your group to complete the **Attorney Interview Project, which includes** the Interview, the Interview Summary, and the Reflection on the Interview Project.
 - a. **The Interview must be completed by Friday, January 31.**
 - b. **The Interview Summary must be submitted by Friday, February 7.**
 - c. **Lunch discussion of the Attorney Interview will take place during the week of February 10-14.**
 - d. **Reflection on the Interview Project must be submitted by Monday, February 17.**
 4. NOTE: Class meeting sessions will contain frequent group discussions and exercises. Because of this, and because of the short duration of this class, you are expected to attend all class sessions and may not miss any classes for Mentor Externship experiences. Any class that you do have to miss due to illness or unavoidable conflict will have an associated makeup assignment you will need to complete.

Course Materials: A bound compilation of reading materials, similar to the reading materials for Moral Reasoning for Lawyers, will be available for pickup starting **Tuesday, December 10**, in Suite 400. Copies of the ROADMAP: The Law Student's Guide to Meaningful Employment also will be available in Suite 400 as of **Tuesday, December 10**. There will be no charge for the Roadmap. The compilation of materials will have a cost that covers copyright permissions and printing costs and will be charged directly to your student account. Some additional materials may be posted online via Canvas.

Learning Outcomes: This course seeks to advance three primary learning outcomes of the University of St. Thomas School of Law:

Learning Outcome 1: Professional Formation and Ethical Responsibilities

Graduates will demonstrate an understanding of their professional and ethical responsibilities in serving clients, the profession, and society. Whether working in law, business, government, or the non-profit sector, each graduate will be able to describe his or her evolving professional identity, which is grounded in a moral core, includes a commitment to self-directed professional learning, and reflects a concern for the disadvantaged and those who lack access to justice.

Learning Outcome 3: Legal Analysis, Reasoning, and Problem Solving

Graduates will be able to analyze and assess strategies for solving a problem, including identifying legal and non-legal issues that may be important to clients and exercising good judgment in advising clients.

Learning Outcome 6: Teamwork and Relationship Skills

Graduates will demonstrate competence in initiating and sustaining professional relationships and working with others towards common goals. Graduates will also demonstrate competence in interacting effectively with people across cultural differences.

Disability Accommodations: Academic accommodations will be provided for qualified students with documented disabilities. Students should contact the Disability Resources office early in the semester if possible, by calling 651-962-6315. More information is online: <http://www.stthomas.edu/enhancementprog/>. If you have questions about how to set up an appointment, you may contact Jill Akervik, the Law School Registrar, or Scott Swanson, the Director of Academic Achievement; they both assist the University in executing specific accommodations.

Class Meetings: There will be five class sessions (held daily, Monday through Friday) on January 13-17, 2020. All four sections will meet in the mornings from 9:00-11:45 a.m. In addition, there will be two mandatory lunch sessions – **one on Thursday, January 16, and one during the week of February 10-14, when you will have a chance to discuss your Attorney Interview Summaries.** Finally, on Wednesday, January 15, you should plan on attending the Fredrikson Lecture in Honor of John Byron, which will feature Randall Kiser, talking about the law firms and the importance of a client service orientation and an entrepreneurial mindset. **Please put the Fredrikson Lecture (Wednesday, January 15, from 4:30-6:00 p.m.) and the Thursday lunch on your calendars.** You should not expect to work or have a mentor experience during class times or these other scheduled times. If an unavoidable other engagement arises (e.g., a job interview), speak to your professor.

Course Overview: Over the semester break your assigned reading includes **pages 61-113 and pages 165-186 of ROADMAP – The Law Student’s Guide to Meaningful Employment (2d ed.)**, as those materials provide an important foundation for the discussions we will have during the class meetings for Serving Clients Well. In addition, as noted above, there are two “assignments” you need to complete – **the Client Interview Exercise and the ROADMAP Template** -- over the semester break.

This course will have ten class sessions over the five days during which the class meets, with one class session from 9:00 to roughly 10:15 each morning and one session running from roughly 10:30 to 11:45 each morning.

Monday, January 13 – How Do Lawyers Serve Clients? What Strengths Do I Bring to the Table?

First Half – What Do Lawyers Do and For Whom? What Do Clients Want? The introductory session will explore the different ways in which lawyers serve clients and the different clients lawyers serve. Finally, this session will focus on what clients value and what they find problematic about working with lawyers, based on the readings and the data you generate from your client interview exercises.

Jerry Organ, <i>What Do Lawyers Do and For Whom?</i>	2
Clark D. Cunningham, <i>What Do Clients Want from Their Lawyers</i> , 2013 J. DISP. RESOL. 143 (2013).	8

In addition, you are encouraged to review pages 98-113 from the ROADMAP (Commitment to Serving Others, Trustworthiness, Dedication and Responsiveness to Clients)

Second Half – Competencies of Successful Lawyers, with a Focus on Self-Directedness, Growth Mindset, and Communications

This session also will explore the array of competencies and characteristics that new lawyers need to develop if they desire/want/hope to be successful in the legal profession and to serve clients well. It will provide frameworks for communicating with professionals about those competencies. This session will conclude with a discussion of self-directedness as a key competency and a growth mindset as a key attribute.

Megan Bess, *Grit, Growth Mindset, and the Path to Successful Lawyering*, SSRN, pages 8-26 22

***ONLINE – TEDTalk – Carol Dweck – Growth Mindset
https://www.ted.com/talks/carol_dweck_the_power_of_believing_that_you_can_improve/discussion

In addition, you are encouraged to review pages 61-69 from the ROADMAP (Self-Directedness)

Tuesday, January 14 – Communications, Communications across Cultures, and Difficult Conversations

First Half – General Communication and Listening – This session will focus on essential skills for building a relationship of trust: presence, physical affect, listening posture, active listening, and conveying information clearly.

Jennifer K. Robbennolt & Jean R. Sternlight, *PSYCHOLOGY FOR LAWYERS: UNDERSTANDING THE HUMAN FACTORS IN NEGOTIATION, LITIGATION AND DECISION MAKING* (ABA Publishing, 2013), pages 141-170 (Chapter 7 – Interpersonal Communication) 41

In addition, you are encouraged to review pages 178-186 from the ROADMAP (Listening)

Second Half – Communication Across Cultures and Difficult Conversations – This session will focus on communicating bad news to clients and on communicating with people different from yourself in some way or with whom you have some disagreement.

The Hon. Josefina M. Rendon, *What Planet is My Client From? Representing the Culturally Diverse Client*, 53 HOUSTON LAWYER 26 (March/April 2016) 73

Lisle Baker and Jennifer List, *Delivering Bad News Well*, 77

Law Practice Today (Dec. 2018)

In addition, you are encouraged to review pages 165-177 from the ROADMAP (Cross-Cultural Competency)

Wednesday, January 15 – Problem-Solving Fundamentals

First Half – Helping Clients Solve Problems and Overview of Problem Solving –

Much of what lawyers do is help clients with problems that have a legal component to them, but are not necessarily just legal problems. This session will focus on an overview of problem-solving with particular emphasis on identifying or framing the nature of the client's problem through the initial interview process.

Paul Brest & Linda Hamilton Krieger, *PROBLEM SOLVING, DECISION MAKING, AND PROFESSIONAL JUDGMENT: A GUIDE FOR LAWYERS AND POLICY-MAKERS* (Oxford Univ. Press, 2010), Chapter 1, pages 3-31 88

Joseph William Singer & Todd D. Rakoff, *Problem Solving for First Year Law Students*, 7 *ELON LAW REV.* 413 (2015) (Pages 421-427) 111

Second Half – Applying Problem Solving Concepts – This session will look more specifically at the additional steps associated with problem-solving – identifying possible solutions, evaluating solutions in light of the client's goals and interests, and then choosing and implementing a course of action. In addition, this session will focus on the problem many law students face when they are still moving along the learning curve: trying to figure out what to do when they don't know what to do.

Paul Brest & Linda Hamilton Krieger, *PROBLEM SOLVING, DECISION MAKING, AND PROFESSIONAL JUDGMENT: A GUIDE FOR LAWYERS AND POLICY-MAKERS* (Oxford Univ. Press, 2010), portions of Chapters 2, 3, and 4 – 33-37, 61-67, 91-101 116

In addition, you are encouraged to review pages 69-77 from the ROADMAP (Problem-Solving When I Don't Know What I am Doing)

4:30-6:00 p.m. – Randall Kiser Presenting the Fredrikson Lecture in Honor of John Byron

Thursday, January 16 – Leadership and Project Management/Teamwork

First Half – Leadership for Lawyers – Theory, Data, Context, Reflection -- In recent years, leadership has become a discipline of its own. There are many definitions of leadership and many avenues for becoming a successful leader. This session will explore various theories of leadership, with a specific focus on leadership in the legal profession.

Bill George, *Leadership is Authenticity, Not Style*, in BUSINESS LEADERSHIP: A JOSSEY-BASS READER, 2ND ED. (Joan V. Gallos, ed., Jossey-Bass, 2008), Chapter 8 (pages 87-98). 135

Larry Richard, *Leadership Competencies in Law*, in LAW AND LEADERSHIP: INTEGRATING LEADERSHIP STUDIES INTO THE LAW SCHOOL CURRICULUM (Paula Monopoli & Susan Mccarty eds., Ashgate, 2013), Chapter 3 (pages 35-54). 142

Second Half – Project Management/Teamwork – Over the last several years more and more attention has been placed on recognizing that the problem-solving in which lawyers engage frequently involves a collaborative enterprise that consists of managing a process or a project. If one thinks about problem-solving as a process or a project, then successful lawyers need to be able to manage the different steps of that process or project while working with others – their clients, witnesses, their staff members, other lawyers, and other experts, to name a few. This session focuses on the essential skills associated with project management and teamwork/collaboration.

John Rampton, *Manipulate Time With These Powerful 20 Time Management Tips*, Forbes, May 1, 2018 159
<https://www.forbes.com/sites/johnrampton/2018/05/01/manipulate-time-with-these-powerful-20-time-management-tips/#36239c1d57ab>

Adam Grant, *Productivity Isn't About Time Management. It's About Attention Management*, New York Times, March 28, 2019 164
<https://www.nytimes.com/2019/03/28/smarter-living/productivity-isnt-about-time-management-its-about-attention-management.html>

In addition, you are encouraged to review pages 78-97 (Project Management) and 123-134 (Teamwork) from the ROADMAP

LUNCH CONVERSATION – 12:00-1:15 in the Schulze Grand Atrium featuring a panel of alumni.

Friday, January 17 – Integrity

First Half – Challenges to Maintaining Integrity – The line between ethical and unethical conduct may be difficult to grasp for new lawyers. Even seasoned lawyers may engage in unethical conduct without meaning to do so. This session will help students understand social pressures on ethical decision-making and trace how organizational corruption commonly arises.

David Luban, *Integrity: Its Causes & Cures*, 77 FORD. L. REV. 279 (2003) 168

Lawrence Solan, *Lawyers as Insincere (But Truthful) Actors*, 36 J. LEGAL PROF. 487 (2012) 186

Second Half – Steps to Maintain Personal and Institutional Integrity and to Speak with Courage – This second session on integrity will focus on what we can do to assure that we act with integrity. We will consider some of the choices and habits we can make to strengthen our ability to act with integrity and to minimize the likelihood that we will fail to act with integrity. Finally, we will discuss the importance of speaking with courage to foster and maintain institutional integrity, which is particularly important in the legal profession, which remains self-regulated.

C.S. Lewis, *The Inner Ring* 203

Patrick J. Schiltz, *On Being a Happy Healthy Ethical Member of an Unhappy, Unhealthy, Unethical Profession*, 52 VAND. L. REV. 871 (1999) 209

In re. Eric C. Conn, No. 01-8001, Attorney at Law, United States Court of Appeals for Veterans Claims 217

Additional (optional) Readings to support the ROADMAP process –

Timothy W. Floyd, “The Practice of Law as a Vocation or Calling” (1998)
<http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=3448&context=flr>

Susan J. Stabile, “The Practice of Law as a Response to God’s Call” (2009)
<http://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1936&context=sulr>