



UNIVERSITY OF BALTIMORE SCHOOL OF LAW

Course: Judicial Externship
LAW836.512
Section Number TBA

Instructors: *Judge Nicole Taylor*
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Baltimore, MD 21215
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Judge Stephen Sfekas
Senior Judge
Recalled and Sitting Circuit
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Days/Time: Thursdays 6:15 – 7:30pm

Location: Room assignments are available through MyUB.

Course Description:

LAW 836 JUDICIAL EXTERNSHIP

Under the supervision of a supervising judge and a faculty supervisor, students learn about the lawyering and judicial processes first hand by interning at the court and attending a classroom component. Students develop reflective learning and problem solving skills, increase their substantive legal knowledge, explore issues of professionalism and ethics, and gain a deeper understanding of the legal system, judicial decision making, and the practice of law. Students may register for a three credit internship and must have their field placement approved by the Director. This program has special rules with respect to who may register and what requirements must be satisfied to earn credit under this program. Prerequisite: Each student has successfully completed instruction equivalent to 28 credit hours toward the J.D. degree before participation in the field placement program.

Course Materials:

There is no required text.

Student Learning Outcomes:

The goal of this course is to promote meaningful reflection on your experiences in the field of the practice of law and the judicial process, both during your externship and in the future. In addition, we will consider various challenges and issues that arise in the practice of law. We will also carefully examine the ethical obligations of lawyers and how they play out in various practice settings. More specifically the goals include:

a. SKILLS DEVELOPMENT

Students have opportunities to gain an understanding of the basic competencies required to practice law including: interpersonal skills, analytical, research and writing, drafting, issue identification, etc.

b. PROFESSIONAL RESPONSIBILITY

Field work offers a forum in which students can analyze and consider legal ethics.

c. SUBSTANTIVE LAW

Students gain an understanding not only of the legal theory but more importantly the practical application of the law pertaining to the areas in which their placement focuses. In addition, judicial placements offer a window into the judicial process and critical thinking.

d. SELF EVALUATION AND REFLECTIVE LEARNING

The field placement in conjunction with the classroom component and journal writing provides opportunities for learning from experience, feedback, and reflection.

The format of the class will be discussion-based and requires your active participation. We will also use TWEN as the primary out-of-class communication link. The syllabus for the course, reading assignments, the course calendar, and other vital information will be posted on TWEN. Please plan to check the TWEN page regularly so you are abreast of all matters affecting this course.

Grades and Course Requirements:

Attendance, Participation and Readings

40% of grade

This class is useful only if everyone attends and participates in the discussion. As such, you are required to attend each class and should contact me in advance if you need to miss a class or if you will be late. As per the UB attendance policy, you may not miss more than two classes. In advance of each class, please review the required readings listed in the syllabus, and be prepared to discuss them. **The use of laptops during class is prohibited as it interferes with the discussion.** There is no required text, all reading materials will be provided on TWEN or in class.

Journal Assignments

30% of grade

Each of you will keep a journal in which you discuss the progress of your externship and reflect on what you are learning either at the placement or in class. Topics for discussion include: substantive law, lawyers, legal institutions, and yourself. The journal entries have several functions. First, they require that you take time to reflect on what you have been doing. Critical reflection is an essential part of learning from experience, and the act of writing about your experiences should help you organize and clarify your thoughts and feelings about your externship. Secondly, they also provide data for discussion about the demands and constraints of the roles of lawyers and judges, which is a major focus of the course. Finally, the entries will help me understand how the judges are using your time, so I can better evaluate the program.

The communications should not be primarily accounts of what you did each day. Rather, they should focus on what you are thinking and feeling about your experiences. What is exciting or surprising? What is bothering

you? What are your questions or insights about lawyering and judging? What criticism or praise do you have for the legal system? What else interests you or is important to you? What else would you like to experience?

Please be careful when writing your journals not to disclose any judicial confidences. If you have a question about whether it is appropriate to include a particular item, ask the judge or ask me. If you err, you must err on the side of non-disclosure. Time spent writing your journal entries does not apply to your field work requirement.

The journals are an integral part of the course. They will be evaluated in terms of your thoughtfulness and what they reflect about your learning experience. But, most importantly, they will help me learn whether you are having a challenging educational experience.

Topics are assigned weekly and should be between one to two typed, double-spaced pages. Journal entries should include your cumulative time for the prior week at the bottom with a brief description of your activities. Journals and time are due on Mondays before class by 6pm and should be submitted via the TWEN assignment drop box. Please label your assignments well and include your name.

Written Work Product

20% of grade

At the end of your placement, you must submit your written work product (e.g., memoranda, opinions, correspondence, etc.), which represents the array of work that you have performed and skills that you have developed during your placement. The writings must be substantive legal work which includes your analysis. Three credit enrollment requires 10 pages. The page requirement need not be one document. Be sure to remove/redact any information that may violate confidentiality or privilege. Your written work product is **due no later than December 7, 2017.**

Additional Course Requirements

10% of grade

- ② Externs must maintain weekly time sheets showing hours worked at the externship and a brief description of the major areas in which you worked. Your total **weekly hours** must be submitted at the bottom of your weekly journal entry. **Keep a cumulative list** of your time so you may easily tabulate your total hours at the conclusion of the semester. Your weekly time sheets including your cumulative total are due in a single document no later than **December 7, 2017.**
- ② Schedule a mid-term review and an exit interview with your judge or supervising clerk prior to your last week. During these meetings you and your judge should review and discuss your performance. **For your exit interview, provide your supervisor with the Evaluation form to be completed by them and reviewed with you. In addition, students must complete the Student Evaluation of Placement form.**
- Students are required to schedule one individual meeting with the professor. Sign-up sheets will be available in class or on TWEN.

Course Expectations: The Judicial Externship Program provides an unparalleled opportunity to participate in the workings of the state and federal courts in Maryland. The program is not a clerkship opportunity; rather, it is a course offered by the law school with the cooperation of members of the state and federal benches. The

designation for students participating in this program is “Judicial Extern.” You should identify yourself by this title in person and in resumes. You should not refer to yourself as a “law clerk”.

All participants in the judicial externship program are expected to perform their duties in a professional manner. To help guarantee the program’s success, externs must conform to the guidelines discussed below. Failure to do so could result in immediate removal from the course and a failing grade.

Confidentiality--All information acquired as a result of your relationships with the judges is confidential. You should be prudent not to divulge this information, even to me or to other students enrolled in the course. Judges share their opinions of issues regarding pending cases under the assumption that their views will not become known to others. A breach of this expectation of confidentiality will most likely have an impact on the propriety of the proceedings.

You must never initiate an ex parte contact with counsel, parties, witnesses, juror, or the press. Please be especially careful not to discuss cases in elevators or other public places. You should never engage in discussions with a party’s attorneys, either inside or outside of the courtroom, absent the consent of the presiding judge. Do not accept supplementary papers or information, including lists or copies of suggested cases, directly from an attorney (inform counsel that they may submit them to the judge or the judge’s clerk, if one exists). Never respond to attorney or press inquiries about when a decision in a pending case will be issued, your personal evaluation of the merits of a case, your assessment of the jurors’ reaction to evidence, or your personal philosophy concerning a substantive area of law. Even after a ruling becomes public, an extern must have no direct or indirect communication with the press concerning the merits of a case or an explanation of a ruling.

Conflicts of Interest--The term “conflicts of interest” applies to situations in which a judge or other employee or agent of the trial court must absent him/herself from a particular judicial proceeding because his/her impartiality might reasonably be questioned. As judicial externs, you are agents of the courts to which you are assigned and you must be scrupulous in your avoidance of conflicts of interest or even the appearance of conflicts of interest.

1. If you have either worked for, received an offer from, or have had one or more interviews with a law firm or government agency which represents a party or witness in a case being heard by any judge in the court to which you are assigned, you must inform the judge for whom you work (if the case is not being heard by your judge, the judge will now know not to discuss the case with the presiding judge).
2. If a family member (within the third degree of relationship), close friend, or close professional associate, (legal or non-legal, past or present), is a party, a witness, or an attorney (or member of an attorney’s staff) you must inform the judge right away.
3. If you have any knowledge about a case whatsoever which you have learned other than through your association with the judge, you must inform the judge right away.

Outside Work--If you have any other job while you are working with a judge, either compensated or uncompensated, make sure that the judge and I are informed of the details of that position. If there is any change in the status of your employment during the semester, you must promptly inform both. You may not extern for a federal judge and be employed by a law firm at the same time.

Attendance: Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as

illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

Course Website: This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

Computers: Students may not use laptop computers for class related purposes.

Class Cancellation: If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Academic Integrity: Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

Title IX Sexual Misconduct and Nondiscrimination Policy: The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy: If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

CLASS ASSIGNMENTS

JOURNAL ASSIGNMENTS ARE DUE THE MONDAY BEFORE THE CLASS DATE FOR WHICH THEY ARE ASSIGNED

8/24/17 Introduction/Goals and Expectations

Develop and discuss a set of goals for your externship and what you would like to improve and/or learn. **Be prepared to discuss these, as well as your ambitions for your own law career path.**

No Journal Assignment for 1st class, but Journal listed under 8/31/17 is due the Monday BEFORE 8/31/17 class (on 8/28/17). And so on...

Please submit Journals through TWEN.

8/31/17 Working for Judges—The Basics

What to wear, what to say, and most importantly, what to do. Broad overviews of Criminal, Civil, Domestic, and Juvenile areas of law.

Journal Assignment: Draft a memo outlining your goals for your externship (see class 1!) and how you expect to achieve them. Identify any barriers and how you might overcome them, as well as any concerns you may have in your placement. Detail your placement in terms of court and location.

Reading: https://www.washingtonpost.com/posteverything/wp/2016/02/17/im-a-liberal-lawyer-clerking-for-scalia-taught-me-how-to-think-about-the-law/?utm_term=.cf47b4fe8c93

9/7/17 The Rules

A review of the basic rules the judges must follow.

Journal Assignment: Pick a Rule or Rules that surprised you in Title 18 of the Maryland Rules. Explain why you think that Rule may be difficult to follow, or implement. Or, describe a time you saw the Rule followed, or NOT followed.

Reading: Maryland Rule 18-100.1 et seq. and 18-200 (don't be alarmed... they are much the same).

9/14/17 Ethics "Judges Behaving Badly"

Journal Assignment: Describe an ethical dilemma (professional or personal) you have faced and how you overcame it. What, if any, rules, laws or philosophies did you consider when resolving the issue?

Reading: Maryland Rule 18-301 et seq. and 18-401 et seq.

9/21/17 Judges Are People Too--Guest Speakers

LAW CLUB! A group of attorneys and judges will address the class and discuss interactions with the judiciary in a social or other setting.

Journal Assignment: Describe a time when you interacted with a member of the judiciary outside of the courtroom. Describe where (court function, social function, on the street) and how you acted differently than you may have in the courtroom. Alternatively, describe seeing a “casual” interaction between a member of the judiciary and a member of the bar, or simply, a citizen.

9/28/17 Judicial Decision-making

Discussion of what factors go into judicial decision making... the law, the parties, the lawyering, the time limits for a decision, etc.

Journal Assignment: Critique a decision you observed; was it a good decision? Why or why not? What would you have done differently?

Reading: TBA

Sign up for individual meetings!

10/5/17 No Class/Individual Meetings (sign up in class week of 9/28)

10/12/17 Types of Judges and Judicial Officers and how they get there

A discussion of the appointment/election process for members of the judiciary.

Journal Assignment: Student Choice: Should Judges be elected, why or why not? OR: What about the judicial application questionnaire did you find surprising, if anything?

Reading: Read the PDF application for Maryland Trial and Appellate Judges

<http://www.courts.state.md.us/judgeselect/judgeappl.html>

10/19/17 Access to Justice

What if any barriers prevent or interfere with citizens accessing the justice system? Come to class with examples from your externship or other work experience. Pay particular attention to how you felt the first time you entered court. Be prepared as well to discuss some of the “legal help” offered online by the Maryland Courts.

Journal Assignment: Using your externship or other work experience, describe a situation where someone accessed justice using a system put in place by the legal system (ie. Using a public defender, using the “help desk”, using a pro or low bono services organization, using a court interpreter.) Describe how you felt the services provided for the citizen. Has your judge ever suggested ways to help litigants? How?

Reading: Browse the Maryland Courts website regarding legal help.
<http://mdcourts.gov/legalhelp/>

10/26/17 Assignment and Recusal and Retired Judges

How cases are assigned and how do judges prepare for dockets/hearings? When should judges not be assigned, or if assigned, recuse? How are retired judges utilized?

Journal Assignment: How does judicial assignment of cases impact the ability of judge to his or her job effectively?

Reading: TBA

11/2/17 Class Topic and Journal Topic TBD

11/9/17 Presentations (No Journal)

11/16/17 Presentations (No Journal)

11/23/17 No Class: Happy Thanksgiving!

**11/28/17 No Class (out of class Assignment) STILL JOURNAL REQUIREMENT
This is the Tuesday "Thanksgiving Make-up Class"
Due to the fact that this assignment requires two observations, class will not be held on 11/28/17 to allow you to do your observations. Journal is still due and mandatory.**

Journal Assignment: Attend and observe **at least two different types of court and/or proceedings**, for example a district court and a circuit court, state court and a federal court, or a criminal case and a civil case (not your judge's court). Reflect on your understanding of the proceedings and on your observations of the court personnel, litigants, lawyers and judges. Describe where you went and what you observed.

Due by December 7, 2017

1. Written work product;
2. Supervisor evaluation of student;
3. Student evaluation of placement;
4. Hours chart with cumulative total; and
5. **Final Journal**- Reflect on your externship experience and discuss the three most important take-away lessons from your experience. Be sure to emphasize what skills you strengthened and how the externship impacted your professional development. Define what professional success means to you including the relative importance of money, recognition, influence, providing help to others, work/life balance, etc.