

**FUNDAMENTALS OF LEGAL PRACTICE
LAW 792**

Spring 2023

Greg Miarecki (miarecki@illinois.edu)

Teaching Assistants

Alex Bailey

Emma Overton

Course Description:

Students taking this course will engage with both internal and external instructors to learn about the legal profession and the building blocks of a successful legal career. This course will cover basics of professionalism and the legal profession, including communications, project management, wellness, client service, business development and marketing, personal branding, grit and resilience, the importance of public service, business aspects of law, and various aspects of leadership.

Class Meetings:

This class will meet twelve times on the dates indicated below. Sections 2, 3, and 4 will meet from 9:00 AM to 9:50 AM. Section 1, 5, and 6 will meet from 10:00 AM to 10:50 AM. All classes will meet in Room D. I anticipate that, due to speaker availability, we will occasionally meet via Zoom. If classes are held via Zoom, students are expected to have their cameras on during class. All materials will be available on the course's dedicated Canvas site.

Office Hours:

Office hours will be by appointment. Contact Dean Miarecki to schedule a convenient meeting time. Teaching assistants are also available for consultations. Please contact them to schedule a convenient meeting time.

Course Materials:

This course will feature guest speakers from various areas of legal practice, as well as some leaders from other disciplines. This syllabus outlines scheduled guest speakers, reading assignments, and written assignments. Speakers are subject to change, depending on scheduling and availability. A modest amount of additional reading/exercises may be assigned. Additional assignments will be provided to students at least three (3) days before the class where they will be discussed.

Course Requirements and Grading:

Students are expected to attend all classes. **There are no “excused” absences. Students failing to attend at least ten of the twelve classes will fail the class.**

Each student will be expected to complete various assignments as outlined in the syllabus below. Additionally, students will complete a final project in the form of an interview and summary memorandum. The interview should cover at least two of the topics identified below. Following the interview, each student will prepare a four-page (single spaced, Times New Roman 12) memorandum relating to the interview. Part I of the memorandum will summarize the attorney's views and advice relating to the topic(s) below. Part II of the memorandum will provide the student's reactions, reflections, and analysis concerning the

attorney's views and advice. **As part of this analysis, students should discuss at least two of the assigned readings, and how the attorney's insights and advice is consistent or inconsistent with those readings.** Students should not collaborate with each other in conducting interviews or drafting of memoranda. Memoranda are due no later than 5:00 PM on Friday, March 10th, 2023. Assignments should be uploaded via Canvas. I strongly recommend that you identify and reach out to prospective interviewees well in advance of this date, so you will have ample time to connect with and interview your selected interviewee.

If desired, students may conduct interviews via telephone or Zoom. For the purposes of the student's professional development, students should ideally select an interview subject located in their preferred geographic and/or practice area.

The course will be graded pass/fail.

Topics:

Class 1: Overview of the Business of Law (Thursday, January 19th)

In this age, the legal profession is also a business. It is not enough to practice law in an effective manner. Today, lawyers must understand how to make business decisions, such as who to hire, what practice areas to engage in, and how (and whether) to charge for their services. Both for-profit legal service providers (such as firms) and non-profit providers (such as government agencies and public interest legal service providers) face these types of decisions. In this class, students will learn about legal business models in both for-profit and non-profit sectors, how new lawyers fit into those models, and how they can continually make themselves more valuable to their employer.

Readings: Randall Kiser, *Soft Skills for the Effective Lawyer*, Cambridge University Press, 2017 (pp. 1-41)

Fundamentals of Legal Practice Business of Law Memorandum and Hypotheticals

Class 2: Professional Communication and Interactions (Friday, January 20th)

Communication skills are critical to the success of any attorney. Today's attorneys must communicate effectively with a wide variety of parties, including clients, employees, co-counsel, opposing counsel, judges and court staff, and colleagues. They must also use different mechanisms of communication in different contexts, including written letters, formal court submissions, client meetings oral advocacy, e-mail, and many more. And finally, appropriate communication styles can differ, depending on the audience. In this class, students will learn effective communication techniques.

Readings: Donna Gerson & David Gerson, *The Modern Rules of Business Etiquette*, 2nd ed. Chapters 2 and 3 (ABA Press 2014)

Paul A. Haskins (editor), *Essential Qualities of the Professional Lawyer*, American Bar Association (2013), pp. 189-205

Amy Gallo, *How to Disagree with Someone More Powerful than You*, Harvard Business Review (March 17, 2016)

Fundamentals of Legal Practice Communications Memorandum and Hypotheticals

Guest Speakers: Keith Horton, General Manager and General Counsel, Camelot Illinois
Professor Penny Agallianos, University of Illinois College of Law
Professor Rummana Alam, University of Illinois College of Law
Professor Sean Anderson, University of Illinois College of Law
Professor Shannon Moritz, University of Illinois College of Law
Professor Janice Pea, University of Illinois College of Law
Professor Kari Sanderson, University of Illinois College of Law
Professor Aylon Schulte, University of Illinois College of Law

Assignment No. 1: Building on the discussion in the previous class, students will meet in small groups to discuss the Communications Hypotheticals and provide a group response to each hypothetical. **Submit assignments via Canvas no later than 9:00 AM on Thursday, January 26th.**

Class 3: Project Management (Thursday, January 26th)

Success in legal practice requires lawyers to read, interpret, and apply the law to new legal situations, but those skills are not the only ones required for professional success. In addition, lawyers must develop their own processes for how they manage the multitude of tasks they must accomplish. These processes require another set of practical skills, which include organization, prioritization, time management, communication, and teamwork skills, among others. In this session, students will explore how these practical skills relate to management of large-scale legal projects, in the process giving them some tools to guide their approach to project management in law school, legal internships, and the practice of law.

Readings: None

Guest Speaker: Dr. Susan Landrum, Dean of Students, University of Illinois College of Law

Assignment No. 2: Building on the discussion in class, please prepare a one-page response to the following questions. **Submit assignments via Canvas no later than 9:00 AM on Thursday, February 2nd.**

- A. How might the legal project management strategies discussed in this session be applicable to research and writing assignments you must do as a law student?
- B. Can you identify other types of assignments, projects, or commitments where taking a project management approach could have a positive effect?
- C. Which strategies discussed in class do you already apply most effectively to your work? Which provide the greatest opportunities for future growth?

- D. Identify two specific ways that you will implement the project management strategies discussed in this module into your approach to your academic and professional growth this semester.

Class 4: Wellness (Friday, January 27th)

In *The Flourishing Lawyer: A Multi-Dimensional Approach to Performance and Well-Being*, Professor Heidi K. Brown explores the connections between high performance and overall job satisfaction in the legal profession and lawyer well-being. She identifies ten dimensions of well-being, including physical, emotional, social, spiritual, intellectual, occupational, artistic/creative, cultural, moral/ethical, and caring/caregiving. In this session, students will explore ways in which they can prioritize well-being in ways that make them happier and healthier lawyers.

Readings: Heidi K. Brown, *The eudaimonic turn: How we can help lawyers flourish*, ABA Journal, September 7, 2021

Heidi K. Brown, *What Tree Shall We Be? An Exercise in Identifying Resources, Values, Strengths, Life Domains, and Goals*, Medium, Nov. 3, 2022

Guest Speaker: Dr. Susan Landrum, Dean of Students, University of Illinois College of Law

Class 5: Business Development and Marketing (Thursday, February 2nd)

More than ever, business development and marketing skills are a critical aspect of legal practice. Firm lawyers need these skills to build their all-important “book of business.” Lawyers practicing in-house, in a government agency, and in non-profit agencies need these skills to develop valuable relationships both inside and outside the workplace. Students will learn the basics of how to market a legal practice to both internal and external clients.

Readings: Stephanie Frances Ward, *Fifty Ways You Can Market Your Practice*, ABA Journal Online (July 1, 2013)

Tiziana Casciaro, Francesca Gino, and Maryam Kouchaki, *Learn to Love Networking*, Harvard Business Review Magazine (May 2016)

Guest Speaker: Tasneem Khokha, Managing Director, Growth Play

Class 6: Personal Branding (Friday, February 3rd)

Whether they are trying to win a case in the courtroom, or win business from a client, today’s lawyers need to learn how to stand out, and how to package and communicate their unique value to the world. This is especially important in the age of technology, when attention spans are shorter than ever before. This session will help students understand the concept of personal branding, and how to create a valuable personal brand that resonates with others.

Readings: Katy Goshtasbi, *Personal Branding in One Hour for Lawyers*, Chapters 1-4 (ABA Press 2013)

Assignment No. 3: Interview six people you know well, and from a variety of different stages of your life. Ask them to provide three adjectives that best describe you. Place the adjectives on a single page and be prepared to share it **during this class**. On the same page, identify three adjectives you were pleased to see on the list, as well as three that you did not see, but wanted to see.

Assignment No. 4: Identify five tasks that you will complete to develop your personal brand and market yourself, and complete at least one such task by the time you submit your assignment. **Submit your list and proof of your completed task no later than Monday, February 6th at 9:00 AM via Canvas.**

Class 7: Client Service and Exceeding Expectations (Thursday, February 9th)

The legal profession is a service profession. Successful lawyers understand their clients' needs and goals and align their work with these elements within a code of professional ethics. Responsiveness and discretion are crucial to excellent client service, as is a clear understanding of the clients' unique culture and structure. Students will learn how to excel at client service, and how to develop good service habits early in their legal careers.

Readings: Be Our Guest, Perfecting the Art of Customer Service, Disney Institute (2011), Chapter 1

Sharen Viola, 25 Tips for Improving Client Satisfaction, 2 LAW PRAC. Q. 14 (2001)

John W. Olmstead, Exceptional client service in law firms: Tips in creating a client-focused culture, Illinois State Bar Association (December 2005)

Fundamentals of Legal Practice Client Service Memorandum

Guest Speakers: Lauren R. Aronson, Associate Clinical Professor and Director, Immigration Law Clinic, University of Illinois College of Law

Yulanda Curtis, Clinical Associate Professor, and Director, Veterans Legal Clinic

Melissa Frydman, Director of Clinical Education, Clinical Professor of Law and Director, Family Advocacy Clinic

Assignment No. 5: Select an entity that you believe provides excellent client service and explain why you believe so, using the principles discussed in class and any others that you believe are relevant. Submissions should not exceed one page, single-spaced. **Submit assignments via Canvas no later than 5:00 PM on Monday, February 13th.**

Assignment No. 6: Building on the discussion in the previous class, students will break up into small groups to discuss the elements of great client service in the legal profession. Group assignments will be posted via Canvas. Small groups will review and analyze client service hypotheticals and provide a group response to each hypothetical.

The group will also create a list of traits that exemplify great client service. **Submit assignments via Canvas no later than 9:00 AM on Thursday, February 16th.**

Class 8: Pro Bono and Public Service (Friday, February 10th)

Lawyers do not fulfill their professional obligations without performing pro bono services to the public. In many cases, lawyers enter into public service as the focus of their careers. Whether lawyers choose to make public service part of their careers or the focal point, providing legal service for the public good is a fundamental tenet of the profession; all attorneys should incorporate public service into their professional identities. Students will hear from attorneys who have dedicated their careers to public service, as well as attorneys who are experts on the importance of pro bono work by attorneys practicing in the private sector.

Readings: ABA Model Rules of Professional Conduct - Preamble and Rule 6.1

Justice Breyer's speech: "The Legal Profession and Public Service"

Fundamentals of Legal Practice Pro Bono and Public Service Memorandum

Guest Speakers: Matthew Clegg, Government and Public Service Director, Office of Career Planning and Professional Development, University of Illinois College of Law

Kim Thielbar, Attorney and Director of Pro Bono Services, Prairie State Legal Services

Assignment No. 7: Prior to class, play at least two rounds of the simulation available at: www.marquette.edu/assets/community/misc/lost-in-the-law/index.html

Class 9: Leadership (Thursday, February 16th)

Leadership is an essential component of being a lawyer. Lawyers must often lead teams of all types. This class will provide an overview of expectations that today's lawyers must meet, and practical advice for how lawyers can succeed in leading others.

Readings: Kenton R. Vaughn, Leadership: Three Key Questions, 83 TENN. L. REV. 803 (2016)

Guest Speaker: Michael Osanloo, Chief Executive Officer, Portillo's Hot Dogs

Class 10: The Importance of Diversity and Inclusion in Leadership (Friday, February 17th)

Setting a tone of integrity and an expectation for self-criticism are steps that any leader – at any level – can and must take to enable a healthy ecosystem. Setting a tone of integrity starts with selecting a diverse leadership team. Wide-ranging and sometimes competing experiences, viewpoints, and approaches enhances a leader's ability to recognize and understand differences at work in the world. This class will discuss the importance of diversity and inclusion, and share some perspectives on how students can use diversity and inclusion to make themselves better leaders.

Readings: Anthony C. Thompson, Dangerous Leaders: How and Why Lawyers Must Be Taught to Lead, Stanford University Press (pp. 37-53)

Guest Speaker: Marlon Lutfiyya, Director of Talent & Diversity, Neal Gerber & Eisenberg LLP

Class 11: Leadership in the Non-Profit Realm (Thursday, February 23rd)

While many entry-level attorneys begin their careers in private practice, the range of career options available to attorneys is far wider. Lawyers regularly find themselves leading non-profit and government entities. As just one example, the majority of United States Presidents were trained as lawyers. This class will provide some perspectives on how lawyers can effectively lead such entities.

Readings: David M. Rubenstein, How to Lead: Wisdom from the World's Greatest CEOs, Founders, and Game Changers (pp. 195-208, 301-338, 354-364)

Guest Speakers: Deborah Frank Feinen, Mayor, City of Champaign

Tony Ghiotto, Assistant Teaching Professor of Law and Director, Kimball Anderson and Karen Gatsis Anderson Center for Advocacy and Professionalism

Assignment No. 8: Select a person that you believe demonstrates effective leadership skills. Provide a brief summary regarding why you believe so, using the principles discussed in class and any others that you believe are relevant. Submissions should not exceed one page, single-spaced. **Submit assignments via Canvas no later than 5:00 PM on Monday, February 27th.**

Class 12: The View From the Bench: A Judicial Perspective (Friday, February 24th)

Judges play a leading role in ensuring the administration of justice. A panel of distinguished jurists will discuss how new lawyers can ensure their success in the legal profession.

Readings: Sandra Day O'Connor, Professionalism, Wyoming Lawyer (April 2004)

Joseph F. Anderson, Jr., Ten Things Every Trial Lawyer Could Learn from Vincent LaGuardia Gambini, 28 S. Carolina Lawyer 42 (2017)

Guest Speakers: Hon. Noelle Collins, United States Magistrate Judge, United States District Court for the Eastern District of Missouri

Hon. Thomas Harris, Illinois Appellate Court, Fourth District

Hon. Ronda Holliman, Sixth Judicial Circuit

Hon. Eric Long, United States Magistrate Judge, United States District Court for the Central District of Illinois

Hon. Randy Rosenbaum, Sixth Judicial Circuit

Assignment No. 9: Please prepare three questions for our guest judges. Be prepared to share them during class.