

## **Skills Competency and Professional Values**

### **A. Introduction**

The UC Irvine School of Law curriculum emphasizes our commitment to preparing students for the practice of law at the highest levels of the profession. In our innovative first-year curriculum and our upper-level curriculum, we provide students the theoretical tools and practical skills that they need to excel as lawyers in diverse settings, including private practice in law firms and in businesses of all sizes, in a variety of public interest organizations, and in government.

### **B. JD Curriculum**

#### **1. First-Year Curriculum**

After significant deliberation during the 2008-09 academic year, the faculty decided upon an innovative first-year curriculum that devotes substantial time and resources to skills training and to the development of professional identity for law students. Additionally, the instructional portions of the first year are oriented toward different modes of law and different methods of legal analysis: common law, statutory, procedural, constitutional, and international. Traditional first-year subjects are used as the vehicles for each of these areas; for example, the substantive law of contracts and torts is used to study common law legal reasoning; criminal law statutes are used to study statutory analysis, and so on. The theory underlying the reform in the first-year curriculum was that the first year of law school emphasizes the dominant methods of legal analysis (statutory, common law, constitutional, procedural, and international) and the foundational skills that all lawyers use.

The first-year curriculum consists of 33 units of instruction, divided into 16.5 units the fall semester and 16.5 units in the spring semester, in the following required courses:

#### **Fall Semester**

##### **Law 507A - Legal Profession I (2 units)**

This course, which is part of both semesters, teaches the law governing lawyers, offers interdisciplinary study of the legal profession, and is designed to prepare students to chart rewarding and responsible careers in law.

##### **Law 506A - Lawyering Skills I (3 units)**

This course, which is part of both semesters, in the first semester focuses on legal research, analysis and writing. Students learn how to research legal questions using print and on-line search methods, and prepare two legal memoranda and an advice letter to a client.

##### **Law 500 - Common Law Analysis: Contracts (4 units)**

This course focuses primarily on the common law of **contracts** to teach the common law method of analysis, in which the law is derived from judicial decisions rather than statutes or the Constitution.

**Law 504 - Procedural Analysis (4 units)**

This course uses **civil procedure** as the foundation for teaching students about areas of law in which there are procedural rules, and how analysis and arguments are made in such contexts.

**Law 503 - Statutory Analysis (3 units)**

This course uses **criminal law** as a basis for teaching students the methods employed in all areas of law for analyzing statutes.

**Legal Research (1 unit)**

All first year law students take a course on legal research staggered throughout the fall and spring semesters, taught by law librarians.

**Spring Semester**

**Law 507B - Legal Profession II (2 units)**

Continuation of fall semester course.

**Law 506B - Lawyering Skills II (3 units)**

In the spring semester of this two-semester course, students continue their study of different types of legal research, writing, and analysis. All students participate in supervised client contact in a legal clinic setting, where they conduct intake interviews of potential clients for Orange County legal services organizations. Students also draft and argue a summary judgment motion, negotiate a settlement, and draft a portion of a contract.

**Law 501 - Common Law Analysis: Torts (4 units)**

This course uses **torts** as a way of further examining the common law, and how lawyers reason and develop arguments in this area.

**Law 502 - Constitutional Analysis (4 units)**

This course teaches students basic areas of **constitutional law** such as separation of powers, federalism, and individual liberties. It focuses on how constitutional arguments are made, and how courts and lawyers analyze constitutional issues.

**Law 505 - International Legal Analysis (3 units)**

This course introduces students to **international law** and the ways that analyses in this area are similar to and different from analysis in other areas of law. International Legal Analysis explores different modes of legal analysis at different levels of multiple international and domestic legal systems, exposing students to legal pluralism and comparative law, as well as to more conventional analysis of both public and private international law.

The School of Law has no part-time program, and does not plan to implement one.

The faculty periodically revisits the design of the first-year curriculum to assess whether it is meeting the expectations of the faculty, whether it is sufficiently innovative, and whether new and desirable features should be incorporated into the curriculum.

### **3. Upper-Level Curriculum**

All students are required to complete at least 53 units of instruction after the first year in order to reach the 86 units required to obtain the JD degree. At present students are required to complete an upper-level writing project, and a live-client clinic or equivalent experiential learning course. Some clinics or experiential learning courses might have prerequisites, such as Evidence (which is required for students to be certified to practice in California courts) or a substantive course (such as Environmental Law or Immigration Law), which might be required for a particular clinic.

In addition to foundational upper division course offerings (such as Administrative Law, Business Associations, Employment Law, Criminal Procedure, Intellectual Property, Labor Law, Property, Remedies, and Tax), the school offers a wide array of seminars. The Curriculum Committee also developed guidelines for upper division Practicums and Capstone Courses. Innovative skills courses oriented to preparing students for the practice of law are offered each semester.

### **4. Legal Writing, Research, Analysis, and Problem Solving**

#### **a. Legal Methods in the First Year**

The faculty determined that graduating students should have certain skills and proficiencies to make them effective lawyers. Those skills and proficiencies include legal research, legal writing, statutory analysis, procedural analysis, constitutional analysis, common law analysis, international law analysis, negotiation, mediation, drafting, problem-solving, client interviewing and counseling, oral communication and advocacy, and fact investigation. In the Lawyering Skills course, students are introduced to a number of these skills, which will then be built upon in the upper-division curriculum.

The first-year Lawyering Skills course is organized around five major goals. Those goals are (1) effective communication skills; (2) research strategies and methodologies; (3) effective lawyering; (4) problem-solving; and (5) self-education. Students must be able to recognize good practices and learn to develop these practices during their careers as lawyers. The course is designed to develop these skills through a series of assignments, class meetings, individual conferences, and oral presentations. What follows is a description of the major class assignments and corresponding goals for each of the major assignments.

#### **i. Lawyering Skills 1**

Effective communication skills emerge as the students learn written and oral forms of communication. In the first semester, students engage in expository writing while learning organizational skills. Through a sequence of memoranda and e-mail memoranda, students learn analysis, research, and legal discourse. The students are initially provided instruction and readings about the organization and content of legal memoranda. Before submitting a first draft of an expository memorandum on a problem assigned to them, the students form four-person law firms and prepare and present in class, oral presentations to a supervising attorney stating their conclusions and explaining the reasons for those conclusions. The supervising attorney (the

professor) asks detailed, pointed questions to ensure that students fully explore the nuances of the analysis and respond to possible weaknesses in their reasoning. The students then further analyze the problem, synthesize the legal authorities, and write a first draft of the memorandum.

This first memorandum is a closed universe problem where the professor provides the relevant authorities, and the students do not have to perform any outside research. After students have completed a first draft, each student meets individually with his or her Lawyering Skills professor. By the end of the conference, the student should understand how to redraft the memorandum with the necessary corrections. The professor then grades the redrafted memorandum while also providing extensive comments addressing the student's legal analysis, writing, organization, and legal citation.

The second major assignment is an open research memorandum. This assignment requires each student to plan a sophisticated research strategy and write a memorandum answering the legal issues presented in the problem. Students record the hours spent researching, the sources they use to find the applicable cases and statutes, and the ways in which they alter their search plan as they learn about the contours of the legal analysis of a given problem. This log allows instructors to assess each student's individual research ability, and it reveals to the students the need to develop effective time management techniques.

As with the first memorandum, students prepare an oral presentation to the partner that they deliver to the entire class (in law firm groups). Then they write a first draft and meet with the instructor individually before redrafting their memorandum.

Prior to the assigning of open research log and case list, students are given instruction on research tools, sources, and updating research. An essential component of this research instruction is teaching students how to be proficient in both print and online research. Students are taught research strategies and cost effective research skills.

Additionally, students are asked to prepare quick turnaround research assignments and are asked to send an email memorandum explaining their research and a short memo answering the issue in the assignment. The number and types of assignments replicate those typically given to students in their summer jobs and externships.

Students are trained in client interviewing skills at the end of the first semester of Lawyering Skills. Students have at least three class sessions and assigned readings where they are taught the basics of client interviewing and are engaged in role-play before they interview an actual client. Training in cultural competency and working with clients with mental health issues is included. Based on individual interests, each student is assigned to work with a local public interest organization to receive training in client interviewing for that organization. Students observe an actual interview, conduct a live client interview under the supervision of an attorney, and then prepare a report of the interview for the organization. Students have worked with numerous organizations, including the Orange County Public Defender's office, the Public Law Center, the Legal Aid Society of Orange County, and Camp Pendleton's JAG office. Depending on the organization, each student either prepares a written memorandum to the supervising attorney about the client interview or attends a case acceptance meeting with attorneys in the

organization where the student presents his or her views about whether the organization should accept the client's case.

At the end of the semester, the students are given one or more final exercises. Some professors finish the first semester with a critical reading exercise, which introduces students to persuasion and rhetorical skills. Other professors finish the first semester by introducing students to other modes of expository written communication, like legal letter writing.

## **ii.      Lawyering Skills 2**

In the second semester, students gain exposure to a number of additional skills, including (1) client interviewing and counseling; (2) oral advocacy and persuasive writing; (3) fact investigation; (4) alternative dispute resolution techniques; and (5) contract drafting.

Students are introduced to oral and written advocacy. Students receive an introduction to classical rhetoric and persuasion. Students also receive specific instruction regarding rhetorical techniques and organizing principles that will make their written advocacy more persuasive. Students are assigned a fictional client to represent throughout the semester, and they work on a complex brief in support of a motion for summary judgment (or brief in opposition to the motion) on behalf of their client. Before students draft their motions, professors instruct them in persuasive writing techniques and lead the students in a number of classroom exercises. Students are also provided numerous samples of good motions and pleadings. The assignment requires students to review the pleadings and discovery in the case, so students work directly with the types of documents lawyers use to draft motions.

As with the first semester writing assignments, students meet with their law firms to prepare and present their arguments to the partner. The second semester presentations, however, resemble oral arguments much more closely, as groups of students are assigned to each side of the problem and asked to take a specific position. After meeting with their professors and preparing a redraft of the motions, the students then engage in two separate oral arguments. The first oral argument is a practice oral argument before their professor. Once the students have received feedback, they prepare for an oral argument before a practicing attorney or judge and their professor. Students then receive both oral and written critiques of their performance.

Following the summary judgment arguments, the students are given confidential information on their clients' needs and the possible problems with their case. The students then engage in settlement negotiations. Before the students begin negotiation, the professor provides instruction and readings about negotiations and negotiation ethics; students have also already studied the ethics of negotiation and done a negotiation exercise in the Legal Profession course. Students prepare a negotiation report outlining the process and the ultimate settlement reached or the reasons they could not reach a settlement. Instructors then review the process and each team's results in class. This exercise also allows the professor to provide instruction on the ethical problems associated with negotiation and the inherent tensions between zealous advocacy and legal ethics. Students then usually (1) write a letter to their clients explaining the settlement negotiations and the pros and cons of the proposed settlement, and (2) draft a settlement agreement for their client's approval. The students are also given an assignment that teaches

them drafting and problem-solving skills. A number of different assignments have been used to accomplish this.

Finally, the Lawyering Skills program added additional quick turnaround assignments. In these assignments, students are given a number of possible days when they might receive an assignment via e-mail from an assigning attorney with a turnaround time of no more than 48 hours. Unlike the other students, they are not given guidance on how to research these problems. Students receive an e-mail from a fictional assigning attorney, and they are to prepare a memorandum or an e-mail response of no more than two pages answering the question. These assignments were extremely successful. In addition to teaching students how to draft much more informal memoranda and to research under time and financial constraints, students also learn how to professionally correspond with colleagues. Faculty also provide instruction on email etiquette.

Through this sequence of assignments, students are introduced to many of the skills lawyers need to practice their profession. The assignments are sequenced to match the analytical development of first-year students. At the end of the course, students are expected to perform at the level of a new associate, and the standard used in grading their last assignment is based on this performance level. Students receive instruction on professionalism throughout both semesters.

At the completion of the first-year Lawyering Skills course, students meet with their professor and receive advice on the type of writing assistance they need and approaches they should consider in meeting the upper-level writing requirement.

### **iii. Legal Research**

Beginning in January 2014, all first year law students took a one week course on legal research during the January intercession taught by law librarians. The faculty recently voted to replace the intercession course with a one unit legal research course with sessions staggered throughout the semester; again, the course is taught by law librarians.

### **b. Legal Writing in the Upper-Level Curriculum**

Students must complete at least one course after the first year where they are required to produce a major writing project with frequent feedback from a faculty member. This might include seminars, independent studies, or other work, so long as it involves substantial original analysis and research, multiple drafts, and is certified by the faculty member as meeting this requirement. The faculty agreed that the upper-level writing requirement could be satisfied by different types of writings, including those conventionally done in an academic context (such as a note or comment written for publication in the law review or a paper written for a seminar) and those conventionally done in a law practice setting (such as an appellate brief or an analytic memorandum prepared as part of litigation or a transaction). In order to facilitate students wishing to satisfy the upper-level writing requirement by drafting legal documents such as contracts or employee handbooks, the faculty agreed that the requirement could be met through a

combination of shorter legal documents (such as a contract) with analytic documents evidencing the research and original analysis underlying the legal document.

Beyond the upper-level legal writing requirement, the faculty also agreed that every student should be encouraged to produce substantial legal writing in every semester of law school. To implement this goal, the faculty agreed that as many classroom courses as possible should involve opportunities for writing, and feedback on writing, in addition to a final examination (if any). The goal is to avoid the conventional division between doctrinal courses in which assessment is based exclusively on an exam and seminars in which assessment is based exclusively on a paper. Rather, faculty plan to combine multiple types of writing opportunities in courses wherever possible. Students are strongly encouraged to develop a portfolio over the course of law school that includes all of their major written work and other forms of presentation.

## **5. Professional Skills Instruction**

The required first-year Lawyering Skills course is six units and contains substantial professional skills instruction that engages each student in skills performances assessed by the Lawyering Skills professor. Skills instruction includes segments on interviewing and counseling, a negotiation segment, and a contract drafting exercise.

UCI Law requires a substantial experiential learning course for all students. Most students will fulfill this requirement by completing a live-client clinical course, while a few students each year may satisfy the requirement by completing a closely supervised placement with a non-profit or governmental organization and an associated field placement course.

The Law School has quickly expanded its upper-level simulated professional skills courses, now offering the following:

- Advanced Legal Research
- Advanced Legal Writing: Business Drafting
- Appellate Litigation
- Applied Lawyering and Law Office Practice
- Complex Litigation
- Criminal Trial Advocacy: Prosecution and Defense Perspectives
- Depositions
- Environmental Law Practicum
- Externship Course
- Global Justice Summit I
- Global Justice Summit II
- Jessup Moot Court
- Legal Analysis of Evidence
- Negotiation
- Patent Law Drafting
- Pretrial Advocacy
- The Art of Appellate Decision Making

- The Art of Taking and Defending Effective Depositions
- Transition to Practice
- Trial Advocacy
- Trial Evidence Workshop
- Written Legal Analysis

## **6. Professional Responsibility Instruction**

### **a. Ethics and Professionalism Instruction in the First Year**

The year-long, required first-year Legal Profession course is designed to prepare students to chart successful, rewarding, and responsible careers in law. Drawing from various disciplines, including economics, history, sociology, anthropology, and psychology, it reviews the variety of practice settings in which lawyers work and the professional opportunities and challenges of each. It offers students tools that will help them resolve the legal and ethical issues that lawyers confront in practice and navigate the enormous legal, cultural, and economic forces that are reshaping the legal profession. While virtually all other Law School courses focus primarily on issues of concern to clients, this course revolves around issues of primary concern to lawyers -- as individuals and future leaders.

One of the purposes of the course is to help students decide what to do with their law degrees and to appreciate the tradeoffs that various choices entail. To that end, the course systematically examines the different practice settings in which lawyers work, including prosecutors' offices; criminal defense and public defender organizations; small, medium, and large private firms; corporate counsel offices; non-profit advocacy groups; legal aid offices; local, state, and federal government agencies; and the judiciary. That information is intended to help students assess the fit between various types of practices and their own character traits, values, strengths, and aspirations. The class provides a valuable overview of the legal profession and an appreciation for the enormous range of things that lawyers do.

Like courses typically offered at other law schools to satisfy the ABA professional responsibility requirement, the course also familiarizes students with the Model Rules of Professional Conduct and other elements of the body of law that governs lawyers' conduct. The course considers gaps and ambiguity in that law and how lawyers respond (and should respond) to such legal uncertainty. It departs significantly from standard legal ethics courses, however, in its emphasis on the relationship between lawyers' ethics and the practice contexts in which lawyers work. Because lawyers' workplaces are arenas of professionalism, where lawyers' views about their roles and obligations take shape, those arenas are at least as important as ethics rules, disciplinary committees, and lawyers' individual consciences in determining how lawyers frame and resolve ethical conundrums.

Therefore, the course introduces students to legal ethics in context, paying close attention to lawyers' work settings, institutional roles, and economic pressures. To accomplish those two purposes, the course uses a combination of written materials, speakers, and group exercises. Students are provided with the best available empirical accounts of various practice settings, and listen to panels of lawyers from each practice type discuss their work and experiences. Each student is required to prepare written questions in advance of each speaker panel, and the quality of the

student's questions is factored into the course grade. Students also participate in over half a dozen role-playing exercises, allowing them to imagine how they would respond to challenges that arise in the lives of real lawyers. The students are assessed based on the quality of their work in the role-playing exercise and on the quality of the reflection paper they must prepare after the exercise. Every student is required to conduct a lengthy interview with at least one practicing lawyer and to write a paper analyzing the contents of the interview and how they relate to issues raised by the course materials.

As future leaders of the profession, students also need to understand issues and problems that confront the profession as a whole. Such issues include the legal services market and its regulation, the distribution of legal services, the profession's demographics and social structure, lawyers' roles in regulatory processes, and the implications of globalization for the legal profession. Over the course of the year, students become familiar with these issues to decide which criticisms of the profession are justified, what policy responses are appropriate, and which sectors of the profession will win and lose under various reform proposals.

The course is divided into five units. Unit I introduces the lawyer's role, the concept of a profession, the attorney-client relationship, and other major concepts and themes that arise throughout the course. This unit also considers two categories of lawyers whose conceptions of role raise particularly dramatic questions about the ethics of advocacy: criminal defense lawyers and prosecutors. Unit II focuses on the attorney-client privilege and the duty of confidentiality, considering justifications for confidentiality, the duty's exceptions, and its applications to organizational clients. Unit III covers conflicts of interest – a general category of rules designed to ensure that lawyers serve clients loyally. Unit IV examines issues of ethics and professionalism as they arise in the many settings in which lawyers practice. Our survey of practice contexts examines lawyers in solo and small firms, in boutique firms, in large law firms, and in-house counsel. It considers government lawyers, lawyers as third-party neutrals and judges, and lawyers in the nonprofit sector. Unit V addresses issues facing the entire profession, including access to justice, diversity within the profession, the profession's relationship to the market for legal services, competition for regulatory control, technology's influence on practice, and globalization.

#### **b. Ethics and Professionalism Instruction in the Upper-Level Curriculum**

One of the reasons for including substantial instruction in ethics and professionalism in the first-year curriculum is to provide each student with a solid framework to draw upon in considering ethical and professionalism issues in the context of his or her upper-level required experiential learning course. Each clinical course will provide the student with opportunities to consider questions of professional responsibility in the context of actual problems of a real client. The Law School also encourages all faculty members teaching in the upper-level curriculum to incorporate ethical and professional responsibility issues into their courses.

### **7. Experiential Learning Program**

The Law School views its experiential learning program as a key component of its program of study. For example, all first-year students, as part of the Lawyering Skills course,

must do intake interviews at either a legal aid or public defender's office. The hope is that students will have a live-client experiential learning experience each year.

**a. Live Client Clinics and the Alternative Field Placement Program**

The faculty voted in the 2008-2009 academic year to require a substantial experiential learning course for all UCI Law students. The decision to adopt a clinical course requirement is premised on the belief that all law students should learn, as part of their formal legal training, what it means to be a lawyer by actually practicing law.

In each of the clinical courses, students practice law under the close supervision of one or more clinical faculty. Each clinical course involves opportunities for each law student to act as the primary legal representative of an actual client. Each course provides simulated practice experience, feedback on performance, and reflection. Each course also provides the student with the opportunity to engage in some of the specific skills they will use in their chosen practice, whether that choice is to become, for example, a transactional lawyer or litigator in private practice, a government trial attorney, or a legal aid lawyer practicing in the area of community economic development. Each clinic provide students with opportunities to consider questions of professional responsibility in the context of actual legal problems of a real client and instill the importance of regularly providing pro bono legal assistance as an essential responsibility of bar membership. Finally, each clinic provides an opportunity for students to play an integral role in addressing broader social justice concerns through the legal problems addressed.

In 2016-17, the Law School's eight core clinics are the Appellate Litigation Clinic, the Community and Economic Development Clinic, the Criminal Justice Clinic, the Domestic Violence Clinic, the Environmental Law Clinic, the Immigrant Rights Clinic, the Intellectual Property, Arts, and Technology Clinic, and the International Justice Clinic. The Law School's five elective clinics are the California Department of Fair Employment & Housing Civil Rights Clinic, the Civil Rights Litigation Clinic, the International Human Rights Clinic, the Reproductive Rights Clinic, and the Veterans Clinic.

The Law School anticipates that in each graduating class, there will be a few students who would prefer to satisfy their clinical requirement through a closely supervised placement with a non-profit or governmental organization, and has created an "Alternative Field Placement Course (AFP)" for those students. Those interested in this option must, in the semester before they wish to enroll in the AFP, provide the name of the attorney supervisor with whom they desire to be placed to the Dean of Clinical Education and Service Learning. She will then meet with the proposed supervisor to determine whether the placement will satisfy the goals of the clinical requirement as set forth above, and in particular, whether the student will in fact have the opportunity to act as the primary representative of a client in a legal proceeding. In order for the proposed placement to be approved, the outside organization's supervising attorney must sign an agreement that the student will be provided the opportunity to act as the client's primary legal representative during the course of the placement.

## **b. The Externship Program**

Since its inception in the summer of 2010, the externship program has grown swiftly. Students have worked in numerous judicial chambers; approximately 60 percent of these externships are in state superior courts, state courts of appeal, bankruptcy courts, federal district courts and the Ninth Circuit Court of Appeals. Of the remaining externships, about half of the students worked at public interest offices and half at government agencies, mostly in the offices of prosecutors or defenders.

The goals of the program include strengthening students' professional identities, deepening their understanding of the ethical issues confronted in the practice of law, and increasing their skills and substantive knowledge of the law by giving each of them opportunities to observe, participate in, and reflect upon a range of legal work at a variety of legal offices. Simultaneously, the program seeks to deepen students' understanding of the fundamental values of the legal profession. The program encourages students to develop a broad view of problem-solving, and to make commitments to the ethical practice of law, promoting access to justice, and an ongoing process of self-growth through practice, feedback and reflection.

A student may participate in a part-time externship during the academic year or summer, or, in limited circumstances, in a full-time externship during the academic year. These externships are separate from clinical placements and do not satisfy the clinical requirement. A student may not receive externship credit if she or he receives any financial compensation for the work. To participate in the program a student must identify and secure a placement and submit the appropriate application to the Director of Externships.

Part-Time Externships. Beginning with the summer after the first year of law school, a student may enroll in a part-time externship course for a variable number of credits. A student enrolling in an externship for the first time may register for 4, 5 or 6 units, credit/no credit, for which the student must complete respectively 168, 224 or 280 hours of work at the placement. A summer or fall extern takes the externship credits as part of her or his fall schedule; a spring students does so during the spring. To earn the externship credit, a first-time extern must attend and participate in the appropriate classroom sessions during the semester in which she or he is registered for the externship credits. The hours of work required to complete an externship and earn a specific number of units are the same during the academic year and the summer.

A student who wishes to enroll in a second externship course, at a different placement, may do so with the approval of the Assistant Dean of Student Services. A student who enrolls in a second part-time externship need not attend the classroom sessions and may enroll in the externship course for 3, 4 or 5 credits (correlating to 168, 224 or 280 hours of work at the placement). In the alternative, a student may choose to attend the classes and register for the higher number of credits, as in the previous paragraph.

Full-Time Academic Year Externships. A student will be permitted to enroll in a full-time externship only if no comparable experience is possible through a part-time externship. A student may participate in a full-time externship only during the student's fourth or fifth semester of law school and only if the student has a minimum 3.0 GPA. (In

certain instances, an exception to the GPA requirement may be obtained from the Assistant Dean for Student Services.) An example of a permissible full-time externship is the University of California D.C. Semester Program (UCDC program), a program in Washington D.C. that provides opportunities to work in legal positions not available in Southern California. A student shall receive 10 credit/no credit units for participation in a UCDC externship, as well as three graded units for the required contemporaneous seminar. A student shall receive 10 units of pass/fail credit plus three graded independent study units for participation in any other full-time externship. A student who wishes to participate in a full-time externship position other than the UCDC program must identify and secure a faculty advisor on the UCI School of Law faculty to supervise the independent study and complete a multi-part application. The Associate Dean of Clinical Education and Service Learning, in conjunction with the Director of Externships, will decide whether to approve the requested full-time externship. The Dean will not approve a full-time externship simply because it expands the geographic range of a student's opportunities. In order to receive credit for a non-UCDC externship, a student must complete a portfolio or writing project. The student's faculty advisor must approve the parameters of the project.

General Requirements for All Externships. A student must submit to her or his supervising faculty member a number of items, including five to seven reflective essays written in response to prompts given by the faculty member. A student must also submit bi-weekly time sheets indicating the work completed on a daily basis as part of the externship, including such activities as writing, research, conferences with supervisors, observations of trials, hearings, interviews, negotiations, or other relevant legal work. A student must complete and submit the reflective essays and timesheets contemporaneously with her or his work at the placement. At the end of the externship, a student must also submit a representative sample of the written work she or he has done during the placement, unless confidentiality, privilege or the nature of the placement preclude such a submission.

Evaluation of Placements and Expectations of Placement Supervisors. The director evaluates placements and promotes high-quality supervision of students through several mechanisms. Faculty members have visited the individual placements where our students have worked at least once, and in some cases twice, during the past two years. Carrie Hempel, Associate Dean of Clinical Education and Service Learning, Anna Davis, the former Director of Externships, a few other faculty members and the incoming Director of Externships, make these visits. In addition to the visits, the director evaluates placements through the information provided when students apply, phone and email contacts with supervisors, communication with other attorneys practicing in the area and feedback obtained from students' reflective assignments and class participation. The prompt for the final reflective assignment explicitly asks students to evaluate their placement.

To ensure that all students receive focused and skilled supervision at their placements, the director communicates the school's expectations in several ways. The application forms required for the various types of externships all summarize the program's expectations about the work that externs will do and the supervision and feedback that they will receive. Before a student may register for an externship, her or his prospective supervisor must acknowledge these expectations in writing. At the beginning of each semester the director writes to all of

the supervisors, recapitulating the expectations for students and supervisors. Each new supervisor also receives a copy of the supervision manual developed by the Greater Los Angeles Consortium for Externships (GLACE). The director also encourages supervisors to attend the training for externship supervisors presented biennially by GLACE. The site visits and phone and email contacts between supervisors and the director are used both to evaluate the placement and to educate and encourage supervisors about the elements of good supervision.

The School of Law's complete Externship Policy is found in Section III of the Academic Rules, Standards and Procedures. A more complete discussion of the program's goals and methods may be found at the Externships page on the school's website, <http://www.law.uci.edu/current/externships.html>

### **c. Experiential Learning in the First-Year Curriculum**

As discussed in Part III above, in the second semester of the Lawyering Skills course, each first-year student observes and then conducts an interview of a potential client of an Orange County legal services organization. The student then prepares a report of the interview results and presents the information to one or more supervising attorneys of the organization. This component of the Lawyering Skills course engages every student in hands-on, legal work on behalf of an actual person with a perceived legal problem. As discussed in the following subsection, first-year law students also are encouraged to participate in the Law School's voluntary and extensive pro bono program.

### **d. The Pro Bono Program**

The Pro Bono Program at UC Irvine School of Law is a reflection of the school's deep commitment to experiential learning and public service. Students are strongly encouraged to participate in the program, providing legal services to under-served communities under the supervision of an attorney or member of the Law School faculty. Students do not receive academic credit or monetary compensation for their work. However, the program does provide opportunities for students to practice and expand the skills learned in the classroom while experiencing the challenges and rewards of practicing law and assisting real clients. The UCI School of Law Pro Bono Policy, adopted by the faculty in September 2009, states an expectation that both students and faculty will regularly engage in public service work throughout their careers, and will set yearly public service goals similar to those expected of practicing attorneys. The faculty believes that public service and pro bono work have no particular ideological content and that lawyers and law students of all political orientations can find meaningful pro bono opportunities.

In addition to the tremendous learning experiences provided by the program, students will provide much-needed services to under-served members of the community. It is the goal of UCI Law that pro bono service will become an ingrained part of the students' understanding of the legal profession. Some students may be inspired to dedicate their careers to public service

while others will understand the importance of providing legal services to under-served communities in a pro bono capacity while working in private practice.

In order to insure that the Law School has a robust Pro Bono Program with ample opportunities for students, a Director of Pro Bono Programs began working at UCI in December 2009. The Director, Anna Strasburg Davis, is charged with creating varied pro bono opportunities, and inspiring students and faculty to be involved.

Pursuant to the American Bar Association's suggestion that practicing attorneys complete at least fifty hours of pro bono work annually, but taking into consideration that first-year students do not have a complete year in which to fulfill such a requirement, the School of Law suggests that all first-year law students complete twenty (20) hours of pro bono service. All second- and third-year law students are encouraged to complete fifty (50) hours of service each year. To encourage students to learn to balance their academic schedules with their pro bono work, limits have been established on the number of pro bono hours that students may earn during the summer break if the work is simply an extension of the student's summer clerkship.

All students are encouraged to complete 120 hours of pro bono work prior to graduation. Those students completing the recommended number of hours each year (20 hours for first-year students and 50 hours for others) are honored at a public interest reception. Students completing 120 hours by graduation are given special recognition (Pro Bono Honors) at graduation with a notation in the graduation program and gold cords to adorn the graduation gowns. Those students completing more than 200 hours of pro bono work prior to graduation are given elevated recognition (Pro Bono High Honors) at the public interest reception and at graduation, including Program recognition and stoles to adorn the graduation robes.

Although the Pro Bono Program at UC Irvine is not compulsory, more than 90% of law students participate and have completed more than 50,000 hours since the program's inception.

UC Irvine's Pro Bono Program partners with non-profit organizations as well as several law firms to provide pro bono services on behalf of various public service organizations. The Director of Pro Bono Programs works during the summer months to significantly expand relationships with law firms and out-of-county legal service providers in order to create many more pro bono opportunities for students. In addition, UCI Law students do legal research and writing for organizations located further away; supervision from attorneys is provided through regular electronic communication. The Director also encourages faculty to incorporate pro bono work into their courses and provide supervision to students doing pro bono research and casework. Once students graduate, the Director hopes to continue to work with alumni to encourage them to meet their professional obligation to engage in pro bono work.

In addition to this Pro Bono program, the Law School supports summer work by our students in public interest and government entities. Each summer, every student doing public service work has received a grant through the PILF program, University of California Public Service Law Fellowships, or the Meyerhoff summer fellowships.

**e. Third Year Initiative**

In Spring, 2014 the UC Irvine School of Law faculty voted overwhelmingly to adopt a Third Year Intensive (TYI) as an “encouraged” element of the 3L curriculum. Third year students may complete the Intensive in either the fall or spring semester, or through a year-long project.

UCI Law’s Third Year Intensive. Consistent with call for reform in legal education, the TYI is designed to engage 3L students through a focused project that places less emphasis on mastery of doctrine and instead emphasizes skills (ranging from particular types of writing to general skills like negotiation and counseling to more abstract skills like problem-solving). The TYI will allow students to build expertise in a specific area of law, to develop law practice skills beyond those acquired during the required clinic or Alternative Field Placement, and/or to design a capstone experience at the culmination of their legal education.

Not every student may wish to complete a TYI; some may prefer to use the third year to focus on classroom courses. For this reason, the faculty decided to encourage rather than mandate completion of the TYI to accommodate the wide variety of student needs and interests without creating an additional graduation requirement. But for the many UCI students who already are doing ambitious and intensive academic work, advanced clinics, or pro bono projects in the third year, the TYI is intended to recognize their achievements and to remind students and prospective employers of the value of these intensive third year projects to the training of lawyers.

Strengthening Student Competencies to Practice Law. The goal of the TYI is to encourage every student to pursue some form of intensive experience in the third year to enable him or her to develop and demonstrate the following crucial competencies:

- expertise in an area of law
- the capacity for strategic thinking gained when the student is in the active position of solving problems rather than in the passive position of learning law in a lecture/discussion format
- problem solving abilities
- project management skills gained by handling multiple or complex projects with deadlines
- sophisticated writing

Requirements:

- The TYI is equivalent in work to a 3-unit course. That is, it must require at least 210 hours of work (the equivalent of at least the hours of class time, class preparation, and time spent preparing for a final or writing a final paper).
- A TYI need not be done for academic credit.

- A member of the faculty or administration must approve the TYI project.
- The TYI must include some written product reflecting legal knowledge, analysis, and problem-solving skills.
- A practicum or capstone course will satisfy the requirement, as will an advanced clinic, an externship, directed research resulting in a substantial paper, or a note/article written for publication in a law review or other journal. Faculty are encouraged to consider teaching intensive practicum or capstone courses open only to third year students that will provide a meaningful TYI experience.
- The TYI MUST be completed in the third year.