

Fundamentals of Law Practice
Tiffany Roberts & Kate Gaffney-- Fall Semester 2017
Syllabus as of 11/16/17

Course Objectives: This course provides an accelerated transition to practice for law students by teaching fundamental knowledge, skills and values needed to begin a legal career in a wide variety of settings.

- (1) Students will learn how to handle a case from initial client meeting through conclusion of representation**, first with a simulated case using on-line practice management software and in-class role plays, and then by representing actual domestic violence victims to obtain orders of protection in the Superior Court of Cobb County.
- (2) Students will also learn about managing a law firm** through both classroom instruction and fieldwork with a private attorney working in a practice area of interest to them.

Free course materials handed out in class.

- (1) "Starting Your Georgia Law Practice," Law Practice Management (State Bar of Georgia) = "LPM"**
- (2) Georgia Rules of Professional Conduct = GRPC** mailed before start of semester
- (3) Domestic Violence Manual = "Binder"** handed out at first class . Sections (2) and (3) can also be downloaded from the "Course Materials Not Linked to Syllabus" folder in TWEN.

**Note that you must be logged in on TWEN for many syllabus hyperlinks to work. Please always reference TWEN for the most recent syllabus.*

Week 1 - Class on August 15 & August 17

**Tuesday, August 15 – Manely Law Firm, 211 Roswell Street, Marietta 30060 (Justice Café entrance)
Introduction to Course & Walking Tour of Marietta Square**

Course Objectives

1. Charlotte Alexander, "[Learning to Be Lawyers: Professional Identity and the Law School Curriculum](#)," 70 Maryland L. Rev. 465 (2011) (excerpts that describe this course as first taught in Spring 2010) (pdf) (10 pages)
2. Review [Requirements for Recording Activities](#)

Unauthorized Practice of Law and Student Practice

3. [OCGA 15-19-51](#) Unauthorized practice of law forbidden
4. [GRPC 5.5](#) (Unauthorized Practice of Law)
5. [FAO 00-3](#) (use of paralegal in real estate closing)
6. [FAO 00-2](#) (legal advice by non-lawyer staff of law firm)
7. [Student Practice Rule](#)
8. [Georgia Bar Journal article about new student practice rule](#)

Domestic Violence Casework

9. [Slain woman predicted her own death](#)
10. [Stacey Dougan, Waiting for the bad guys to do more; Stephen D. Kelley & Peggy H. Walker Orders can protect, but help is needed](#) (Atlanta Journal Constitution January 11, 2013 Page A14)

11. [Domestic Violence and Murder in Metro Atlanta](#) (read at least 5 newspaper articles)

Cloud-Based Case Management

12. [Clio Academic Access Program \(CAAP\) Guide Selections](#)
 - a. Matters: [Introduction](#)
 - i. [Video: Matters](#)
 - ii. [Anatomy of a Matter](#)
 - b. Adding Time & Expenses: [Introduction](#)
 - i. [Video: Activities](#)
 - ii. [Adding Time Entries Throughout Clio](#)
 - iii. [Adding Expenses](#)
 - c. Calendaring: [Introduction](#)
 - i. [Video: Calendar](#)
 - ii. [Navigating the Calendar Tabs](#)
 - iii. [Adding Calendar Events](#)
 - iv. [Calendar Sharing](#)
 - d. Tasks: [Introduction](#)
 - i. [Video: Tasks](#)
 - ii. [Creating and Assigning Tasks](#)
 - iii. [Filtering Tasks](#)
 - iv. [Marking Tasks as Complete](#)
 - e. Document Management: [Introduction](#)
 - i. [Video: Documents](#)
 - ii. [Document Management](#)
 - iii. [Navigating Clio Documents](#)
 - f. Apps and Integration
 - i. Google Apps: <https://support.clio.com/hc/en-us/articles/203253084-Google-Apps-Integration-and-Clio-Sync-for-Google>
 - ii. Outlook: <https://support.clio.com/hc/en-us/sections/201778417-Outlook-Sync>
 - iii. iPhone: <https://support.clio.com/hc/en-us/articles/203354810-iOS-App-The-Basics>
 - iv. Android: <https://support.clio.com/hc/en-us/articles/203260014-Android-App-The-Basics>

The Ethics of Cloud Case Management

13. [U.S. Accuses Chinese Citizens of Hacking Law Firms](#), NY Times (Dec. 27, 2016)
14. [Florida Bar Opinion 12-3](#) (Jan. 25, 2013) (lawyers may use cloud computing if they take reasonable precautions)
15. Bilinsky & Best, [Drafting Bills Clients Love to Pay](#), **Law Practice Today: The Monthly Webzine of the ABA Law Practice Management Section** (Nov. 2008) (6 pages)
16. [Georgia Formal Advisory Opinion 01-1](#): Is it ethically permissible to charge for a standard unit of time without regard to actual time expended? (2 pages)
17. [Galvez v Cuevas](#) (S.D. Fla. 2009) (lawyer failed to keep meticulous, contemporaneous time records that revealed how hours were allotted to specific tasks; attorney fee award reduced by \$11,250) (5 pages)

The Fieldwork Component

18. Read [excerpts from fieldwork reports](#) written in prior semesters.

19. G.M. Filisko, "[Turn-Around: Solos Seek Advice to Survive a Struggling Economy](#)," ABA Journal 51-55 (March 2010)(note especially profile of Marietta solo practitioner at 54-55).
20. Read Clio [Fieldwork Matter Instructions](#) (applies to assignment due September 8).
21. Review [Fieldwork Instructions](#)

Developing Professional Judgment

22. [GRPC 1.2](#) and Comments 4-5 (scope of representation)
23. [GRCP 1.4](#) (Communication)
24. [GRPC 1.6](#) (Confidentiality)
25. [GRPC 1.7](#) (Conflict of interest - general rule)
26. [GRPC 1.8\(f\)](#) (Conflict of interest - when not paid directly by client)
27. [GRPC 1.14](#) (Client with Diminished Capacity)
28. [GRPC 1.16](#) (Terminating representation)
29. [GRCP 2.1](#) (Advisor)
30. [GRCP 3.1](#) (Meritorious Claims & Contentions)
31. [GRPC 3.3](#) (Duties of candor to the court -- note exceptions to duty of confidentiality)
32. [GRPC 3.4](#) (Fairness to Opposing Party and Counsel)
33. [GRCP 4.1](#) (Truthfulness in Statements to Others)
34. [GRCP 4.2](#) (Communication with Person Represented by Counsel)
35. [GRCP 4.3](#) (Dealing with Unrepresented Person)
36. [GRCP 4.4](#) (Respect for Rights of Third Persons)

Limited Scope Representation

37. Meredith Hobbs, [Justice Café Adds Offices, Expands a la Carte Services: Manely firm slowly rolls out experiment in making lawyers available for \\$75 per hour](#) (Fulton County Daily Report Nov. 21, 2013)
38. Mary C. Ashcroft, "[Unbundling Legal Services: Delivering What Your Client Wants at a Price She Can Afford](#)," Vermont Bar Journal 1-3 (Winter 2010) (pdf)
39. John T. Phipps, [New "limited scope legal representation" rule gives solo and small firm practitioners special opportunity to expand practice with "unbundled legal services"](#), 38 General Practice, Solo & Small Firm Section Newsletter No. 5 (Illinois State Bar Association March 2010)
40. [Client Agreement form used by Cobb County Legal Aid for domestic violence cases](#)

Thursday, August 17 – The Manely Firm DV Workshop I Kate Gaffney & Kylee Elliott

41. [Emory Law Grad, Rising Fulton County Prosecutor Shot by Husband, Who Then Kills Himself](#)
42. American Bar Association [Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases: Ethical Duties](#)

43. Domestic Violence Manual (handed out during first class)

Familiarize yourself with the contents of the Manual

Read:

Chapter 4: Statutes

1. OCGA: Title 19: Chapter 13: Family Violence Act (4:1 – 4:10)
4. 18 USC 922(g) – prohibition on possessing firearm (Brady Bill) (4:39)
5. 18 USC 2265 Full Faith & Credit Act to protection orders (4:40)

Chapter 6: Domestic Violence Benchbook & Forms

8 . Georgia Domestic Violence Benchbook

- a. Table of Contents (6:59 – 6:64)
- b. App E: Firearms (6:65 – 6:70)
- c. App G: Family Violence Intervention Program (6:71 – 6:74)
- d. App H: Immigrants and Refugees (6:75 – 6:89)
- e. App T: Strangulation (6:90 – 6:94)

Friday, August 18: Fieldwork period begins

You may email your attorney to set up your first meeting as soon as you receive a “cc” of Professor Roberts’ email to your attorney confirming the fieldwork assignment. Please use the “[Letter to Field Attorney format](#)” found in the Fieldwork folder on TWEN, cc your letter to both Professor Gaffney and Roberts, and cc to your Fieldwork-Name matter.

Before your initial meeting carefully review the [Fieldwork Instructions](#) and print two copies of the [Fieldwork Agreement](#) to take to the meeting.

Week 2 – Class on August 22 & August 24

Tuesday August 22: Manely Firm & Cobb County Superior Court

Court Observation. Arrive at Manley Firm parking lot at 8:30 and walk to courtroom.

44. [Sample: Temporary Protection Order Calendar](#)
45. [Court Observation Report Form: Docket](#)
46. [Court Observation Report Form: Individual Cases](#)
47. DV Manual Readings

Chapter 4: Statutes

- Georgia Criminal Statutes Relevant to Family Violence and Stalking (4:11 – 4:33)
- OCGA 19-9-3 Custody Disputes (4:34 – 4:38)

Wednesday August 23: Upload Court Observation forms TO TWEN by 6:00 PM. Forms may be typewritten or legibly handwritten and scanned.

Thursday, August 24: Justice Café

DV Workshop II: Law Enforcement, Investigation & Criminal Prosecution

Speakers: Asst. DA Sherwin Figueroa
Detective Christopher Northen
Detective Lisa Wells
Victim Advocate Tori Maness
Asst. Solicitor Chris Lanning

48. DV Manual Readings

1. Chapter 3: Handling Your DV Case
 - DV case procedures (3:31 – 3:42)
 - Criminal prosecution flowchart (3:43)
 - Obtaining warrants, GA DOC, and Cobb jail inmate information (3:44 – 3:52)
 - Obtaining Police Reports (3:53 – 3:67)
 - Obtaining 911 Recordings (3:68 – 3:76)
 - Obtaining medical records (3:77 – 3:78)
 - Obtaining Private Cell Phone Records (3:79 – 3:81)
 - Sample opening statement; sample direct examinations (3:82 – 3:95)
 - Closing letters (3:96 – 3:97)
2. Chapter 4: Statutes
 - 24 OCGA 24-13-21 et seq. – subpoenas (4:41 – 4:43)
 - Georgia Open Records Act (4:44 – 4:47)
3. Chapter 6: Domestic Violence Bench Book & Forms: skim the following
 1. Petition for Temporary Protective Order (Family Violence) (6:1 – 6:8)
 2. Family Violence Ex Parte Protective Order (6:9 – 6:15)
 3. Family Violence Twelve Month Protective Order (6:16 – 6:30)
 4. Petition for Stalking Protective Order (6:31 – 6:35)
 5. Stalking Ex Parte Temporary Protective Order (6:35 – 6:39)
 6. Stalking Twelve Month Protective Order (6:40 – 6:44)
 7. Child Support Worksheets (6:45 – 6:58)

Week 3 - Class on August 29 & August 31

Monday, August 28: Journal Entry 1 Due

Tuesday, August 29: State Bar of Georgia, 104 Marietta Street, Atlanta, Georgia 30303

49. Browse Law Practice Management Manual (handed out in class)

50. Browse www.gabar.org website:

1. <https://www.gabar.org/committeesprogramssections/>
2. https://www.gabar.org/aboutthebar/upload/StateBarStrategicPlan_052217update.pdf
3. <https://www.gabar.org/aboutthebar/statebarleadership.cfm>
4. <https://www.gabar.org/committeesprogramssections/programs/lpm/index.cfm>

Thursday, August 31: Swearing in & Reception

Please arrive to Justice Café no later than 8:30 a.m. to walk over to the courthouse with the class.

September

Week 4 - Class on September 5; No Class on September 7

Tuesday, September 5: GSU COL

Clay Price Exercise 1: In Class Simulation

Fundamental Skill: Interviewing

51. "[Taking Notes](#)," from Foonberg, **How to Start & Build a Law Practice** (pdf) (1 page)
52. "[Asking Questions](#)," from **Conference Skills** (Inns of Court School of Law)
53. Smith, [Patient-Centered Interviewing](#): Foreword, Chapter 1 (all), Chapter 2 (all), and Chapter 3: pp 35-65 (2d edition)/ pp 29-55 (3rd edition) – also handed out at Class 2
54. [Price Exercise 1 Instructions](#)
55. [Price Exercise: Petition, TRP, Intake Memo](#)
56. Bennett, [Doing Oral History](#)
57. Nicolson, [Guidance on Writing Journal Entries](#)
58. Prepare to practice your upcoming fieldwork interview by interviewing Prof. Roberts about her solo practice; review her [firm website](#) and [GSU biography](#).

Fundamental Knowledge: Rules of Evidence

59. Chapter 5: Georgia Evidence Code
 1. Evidence Code (5:1 – 5:53): Review the following rules:
 - 24-1-106 Rule of Completeness
 - 24-2-221 Certified County and Municipal Records
 - 24-4-404 Character Evidence
 - 24-4-405 Methods of Proving Character
 - 24-4-406 Habit or Routine
 - 24-5-509 Family Violence Center – Agent Privilege
 - 24-6-602 Personal Knowledge Requirement
 - 24-6-608 Impeachment – Character for Untruthfulness
 - 24-6-609 Impeachment – Prior Convictions
 - 24-6-611 Examination of Witnesses
 - 24-6-612 Refreshing Recollection
 - 24-6-613 Prior Inconsistent Statements
 - 24-6-615 Sequestration
 - 24-8-801 to 24-8-8-826 Hearsay
 - 24-9-901 to 24-9-923 Authentication
 - 24-10-1002 to 24-10-1007 Best Evidence Rule
 2. Milich, *Georgia Evidence Essentials* (5:56 – 5:59)
 3. Harper, *Changes affecting hearsay under the new Georgia Evidence Code* (5:60 – 5:61)

Thursday, September 7: No class (Please use this time to conduct fieldwork and obtain signed agreement if you have not already completed your in-depth interview and first observation)

Friday, September 8: Signed Fieldwork Agreement Due (email to professors and cc your Field matter) & Fieldwork Matter up to date

Week 5: Class on September 12 & September 14

The Experiential Component: DV Intake expected for Teams 1 & 2

Monday, September 11: Journal Entry 2 Due

60. [Review Price Exercise 2 Instructions](#): Assignment of Exhibits to Admit at Hearing (to be posted after first Price Simulation)

Tuesday, September 12: GSU

Price Exercise 2, In-Class Simulation

Case Rounds: Teams 1 & 2 (if client files have already been received)

Thursday, September 14

Mock Hearings, Teams 1 & 2

61. Interview Analysis form used to apply Smith reading to simulated Price interview conducted on September 5. **Due at 11:59pm** – worth 4 points. Submit to TWEN assignment drop box or bring to class. (link to be activated by 9/8/17)

Week 6: Court on September 19 & Class on September 21

The Experiential Component: DV Intake expected for Teams 3 & 4; Hearings for Teams 1 & 2

Tuesday, September 19: Hearings, Cobb County Superior Court

Thursday, September 21: Mock hearings, Teams 3 & 4

Week 7: Court on September 26 & Class on September 28

The Experiential Component: Hearings Continue (Teams 3 & 4)

Monday, September 25: Journal Entry 3 Due for Teams 1 & 2

Tuesday, September 26: Hearings, Cobb County Superior Court

October

Week 8: GSU Class on October 3 & No Class on October 5

Monday, October 2: Journal Entry 3 Due for Teams 3 & 4

Tuesday, October 3: Reflections of DV Case Work; Discussion of Journal Entries

Thursday, October 5: No Class (Schedule fieldwork during class time if second observation has not been conducted)

FRIDAY, OCTOBER 6: DEADLINE FOR ALL FIELDWORK OBSERVATIONS TO BE COMPLETED.

Week 9: Class on October 10 & No Class on October 12

Tuesday, October 10

Fieldwork Roundtable: discussion of fieldwork experiences and guidance for writing report
Fieldwork Audit Returned

Thursday, October 12: No Class (Use time to work on draft fieldwork reports)

Friday, October 13: Draft fieldwork report due to attorney. *Indicate by completed task and time entry in your Fieldwork Matter but do not send the draft report to the instructors (instructors may only read reports approved by fieldwork attorneys).*

Week 10: Class on October 17 & No Class on October 19

Monday, October 16: Journal Entry 4 Due

Tuesday, October 17: FLP Alumni Panel & Luncheon

Thursday, October 19: No Class

Optional Additional Court Observation

Friday, October 20: Draft fieldwork report due BACK from attorney. *Indicate by completed task and time entry in your Fieldwork Matter but do not send the attorney's edited draft to instructors.*

Week 11: Class on October 24 & No Class on October 26

Monday, October 23: Any final revisions due to Fieldwork Attorney by NOON.

Tuesday, October 24: Class Cancelled

Final revisions and approval form due from Fieldwork Attorney by 10:00 PM. *Contact Professor Roberts immediately if approval not received from attorney.*

Thursday, October 26: No Class

Friday, October 27: Final Fieldwork Report Due to Professors

By noon: email fieldwork report for grading with attorney approval attached to instructors and cc your Fieldwork Matter.

Week 12: Class on October 31 & No Class on November 2

Tuesday, October 31: Malpractice & Bar Discipline Panel, Kim Jackson

Thursday, November 2: No Class

November

Week 13: Class on November 7 & November 9

Monday, November 6: Journal 5 Due

Tuesday, November 7: Fees & Trust Accounting, Clark Cunningham

62. Bilinsky & Best, [Drafting Bills Clients Love to Pay](#), **Law Practice Today: The Monthly Webzine of the ABA Law Practice Management Section** (Nov. 2008) (6 pages)
63. [Georgia Formal Advisory Opinion 01-1](#): Is it ethically permissible to charge for a standard unit of time without regard to actual time expended? (2 pages)
64. [Galvez v Cuevas](#) (S.D. Fla. 2009) (lawyer failed to keep meticulous, contemporaneous time records that revealed how hours were allotted to specific tasks; attorney fee award reduced by \$11,250) (5 pages)
65. Trust Accounting
 1. [Rule 1.15 \(I\) Safekeeping Property - General](#)
 2. [Rule 1.15 \(II\) Safekeeping Property - Trust Account and IOLTA](#)
 3. [Rule 1.15 \(III\) Record Keeping; Trust Account Overdraft Notification; Examination of Records](#)

Thursday, November 9: Marketing Panel, Shelia Manely (The Manely Firm) & Anana Parris (Davis Bozeman Law Firm)

66. [Rule 7.1 Communications Concerning a Lawyer's Services](#)
67. [Rule 7.2 Advertising](#)
68. [Rule 7.3 Direct Contact with Prospective Clients](#)
69. [Rule 7.4 Communication of Fields of Practice](#)
70. [Rule 7.5 Firm Names and Letterheads](#)
71. Davis Bozeman Law Community Page: <http://www.davisbozeman.com/community/>
72. Manely Firm Video Center: <https://www.allfamilylaw.com/Video-Center.shtml>

Friday, November 10: [Attorney Fee Motion Due](#)

Week 14: Class on November 14 & Last Class Event November 16

Tuesday, November 14: Lawyers for Equal Justice – Meet at GSU Room 244 at 9:00 AM to walk to L4EJ

1. Iowa Lawyer: [The Law Firm Incubator Movement](#) (original article available [here](#))

2. Lawyers for Equal Justice Home Page: <https://lawyersforequaljustice.legal.io/>
3. Lawyers for Equal Justice Website About Page: <https://lawyersforequaljustice.legal.io/about>
 1. Browse attorney bios; websites

Wednesday, November 15: [Attorney Fee Memo Due](#)

Thursday, November 16: Last Class Event: Brunch Discussion at State Bar of Georgia (President's Boardroom)

Bonus Journal Due: Tuesday, November 28