

LAWYERING SEMINAR G

Classroom 4-218

Fall 2022

Mondays, 10:00 am – 12:00 pm

Thursdays, 10:00 am – 12:00 pm

(There will be meetings on some Wednesdays from 12:00pm – 1:00pm)

Prof. Sarah Lamdan

- **Office:** 4-318
 - **Office Hours:** Thursdays from 12:00 pm – 1:00 pm or by appointment
 - **Email:** sarah.lamdan@law.cuny.edu
 - **Our Course Webpage:** <https://www.sarahlamdan.com/lawyering-seminar-i>
 - **Support Staff:** Quacey Lawson-Chester (quacey.lawson-chester@mail.law.cuny.edu)
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COURSE DESCRIPTION AND LEARNING OUTCOMES

This course is an introduction to law practice, the first in a series of required experiential courses that culminate in clinic your third year. With Lawyering Seminars I and II, our goal is to identify and develop the foundational skills of a social justice lawyer. Understanding legal doctrine, theory, structures, and processes is essential. But without critical analysis, strategic thinking, sound judgment, effective communication, and skillful advocacy, they are of little use.

This term, we will simulate the work of a lawyer from the initial client interview to a negotiation with opposing counsel. Discharging professional tasks along this continuum, we will work on developing efficient, productive work habits grounded in rigorous inquiry, thorough preparation, flexible, adaptive execution, and systematic reflection.

As an institution, we have adopted a set of [learning outcomes](#) with which you should be familiar as they constitute our expectations of each of you as CUNY Law graduates. This course focuses on a number of these outcomes so that by the end of this semester, you will be able to:

1. Recognize and appreciate the multiple dimensions and competencies required of lawyering and engage in a systematic method of reflective practice;
2. Envision the lawyer-client relationship and interview, write, counsel, and negotiate on behalf of a client;
3. Legally analyze a set of facts, synthesize and apply a legal rule from a set of authorities, and write a predictive/interoffice memorandum of law;
4. Adopt a historical, critical perspective on how certain systemic, institutional, professional, and personal considerations—in particular race, class, sex, gender, and socio-economic status—affect legal practice and advocacy; and

5. Intentionally conceive of and begin to develop an approach to your responsibility, role, values, and identity as a lawyer.

REQUIRED TEXTS

- *Lawyering Seminar: Volume I* (Wolters Kluwer, Revised 2016) *Note:* You are receiving Lawyering Seminar Volumes I and II together. You will use Volume II primarily in the spring semester, but we may look at some sections of Volume II in the fall. We encourage you to keep this text as a resource for your second and third year classes.
- [RICHARD C. WYDICK & AMY E. SLOAN, PLAIN ENGLISH FOR LAWYERS, 6th ed. \(2019\)](#) (“Wydick & Sloan”)
- [THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, 21st ed. \(2020\)](#) (“Bluebook”)
- [NEW YORK RULES OF PROFESSIONAL CONDUCT](#) (2017)

ASSESSMENT AND GRADING

You will receive plenty of formal and informal feedback—or formative assessment—on your work throughout the semester. Cumulatively, your final grade will be based on:

- Rule Statement for “Age Discrimination” Assignment (10%)
- First Draft Interoffice Memorandum (20%)
- Client Counseling (10%)
- Negotiation Assignment (10%)
- Final Draft Interoffice Memorandum (40%)
- Professionalism (10%), which includes:
 - performance on ungraded assignments and activities;
 - improvement and progress throughout the semester;
 - timely class attendance, preparedness, engagement, and participation;
 - cooperative, engaged collaboration with classmates and colleagues;
 - reflectiveness and self-critique of work; and
 - appropriate, collegial e-mail and other out-of-class communication.

All requests for reasonable accommodations for deadlines should be made through Disabilities Services in the Office for Student Affairs. Please email Dean Yvette Wilson-Barnes, Amanda Beltran, and/or Jonathan Rizzo at studentaffairsoffice@law.cuny.edu.

EXPECTATIONS AND OTHER INFORMATION

Attendance and Class Participation. Lawyering Seminar depends on our active participation. Class attendance and participation are required.

“Attendance” means being in class by the starting time and remaining until class is finished. Per CUNY rules for Fall, 2022, attendance must be in-person unless you have a justified excuse for your absence such as illness or other extenuating circumstance. If you must be absent due to illness or emergency, contact me before class. In that event, please email me in advance of class as soon as reasonably practicable to notify me that you are unable to attend class or that you will need to attend remotely via Zoom. Unless you have made prior arrangements for recordings through Disability Services in the Office of Student Affairs for reasonable accommodations, I will not make Zoom recordings available. If you need to miss class, you should make arrangements with a classmate for notes.

“Participation” means that you have done the required reading for class, turned in any written assignments that are due, are prepared for class exercises and discussions, and participate regularly in class exercises and discussions. If you are not prepared for class, please let me know before class.

Respect and Collegiality. Sensitive and sometimes controversial topics are inherent to the work of Lawyering Seminar, just as they are to the practice of law. Our goal is to create an environment that encourages everyone to speak and participate as well as to listen and learn. Recognizing that the class represents a diversity of individual beliefs, backgrounds, and experiences, we expect we will show respect for every member of our group, treat one another with civility, and share the responsibility for making our class a productive place to learn.

Pronoun/ Name Statement. I will gladly honor your request to address you by an alternate name or gender pronoun that varies from the name I receive from the registrar. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.

Writing Assignment Guidelines. Unless otherwise indicated, assignments must be typed, double-spaced on 8 1/2 x 11 inch-paper using 12 point, Times New Roman font, with one inch margins. Each page may contain no more than 23 lines of type. Indent paragraphs one inch. Insert an identifying header or footer, and number all pages. Page limits are strict. If you fail to follow these rules I will reduce your grade for that assignment and/or return the assignment to you. Unless instructed otherwise, submit assignments through the MOODLE Assignment Box.

Due Dates and Times. Due dates are firm. Under exceptional circumstances, I may extend a deadline. Except in the case of a true emergency, extensions may only be granted *before* a deadline falls due. Problems with computers and printers are not satisfactory excuses so keep copies of your drafts and back up your files. If you submit an assignment late, without an approved extension, I will reduce your grade for that assignment.

Collaboration. Generally, instructions regarding collaboration will be given with individual assignments. Lawyering encourages cooperative learning. However, it is important that you be able to work independently. Unless instructed otherwise, you may discuss the assignments with your classmates, but *you may not share or use written work prepared by your classmates or others*. If you are uncertain about the line between permissible collaboration and impermissible sharing of work, review the CUNY Policy on Academic Integrity, available at: <http://www.law.cuny.edu/about/legal/academic-integrity.html> and/or check with me.

E-mail and Moodle. *Lawyering Seminar simulates legal practice in many ways, including the reality that plans and schedules can change on short notice.* In Lawyering, as in practice, it is essential that we communicate effectively. You must register on the class MOODLE site using your CUNY Law School e-mail account. I will use e-mail and the MOODLE site to communicate with you. I expect that you check your

CUNY Law School e-mail every weekday and at least once over the weekend. When I post materials or notices on MOODLE I will send you an e-mail alert, but you should check the site regularly. If you need to contact me when I am not available in my office, please use e-mail. [Sarah.lamdan@law.cuny.edu] Remember that law school e-mails are a form of professional written communication. Draft your e-mails accordingly.

Lawyering Seminar Conference Time. Conference time is on Wednesday, 12:00pm - 1:00pm. This time is reserved for individual or small-group conferences, writing workshops, make-up classes, and community-building workshops. Assume that we will use this time every week unless you are told otherwise. You are expected to be available and you should not schedule other activities during this time.

COURSE ASSIGNMENTS

CLASS/DATE	READINGS, CLASS ACTIVITIES & ASSIGNMENTS
Mon. Aug. 22nd	<p><u>Class:</u> Introduction to Lawyering Seminar: The Course, Profession, and Legal System.</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> • Read Text Vol. I, Chapter 1; • Gregory, Raymond F. "Age Stereotypes & Employment Discrimination," <i>Age Discrimination in the American Workplace</i> (2001). <p><u>(All of our course readings are available on our website and our course Moodle)</u></p> <p><u>To Do:</u> Complete readings and assignments before class.</p>
Wed., Aug. 24th Conference Time	Film: Duty Free (2020) (Optional)
Thurs., Aug. 25th & Monday, Aug. 29th	<p>NO CLASS Meetings — JUST SEMINAR G</p> <p>Read assigned ADEA statutes. (Available on our website and on Moodle)</p> <p><u>To Do:</u> On our Moodle discussion, share at least one interesting thing you learn about age and employment discrimination from our first class reading and these ADEA statutes. Prof. Lamdan will be participating in the discussion, as well. Come to class on Thursday, Sept. 1st familiar with the relevant ADEA topics.</p>
Thurs. Sept 1st	<u>Class:</u> Preparing for our client interview

	<p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> • Read Amsterdam et al., <i>Interviewing a Client</i> (2014). • Read Text Vol. I, pp. 173-234. <p><u>To Do:</u></p> <ul style="list-style-type: none"> • Complete readings before class. • Work on client interview plan with partner in class. • Be prepared for Prof. Lamdan to introduce ADEA & age discrimination topics
Mon. Sept. 5th	NO CLASS—Labor Day
Weds. Sept. 7th Conference Time	Discussion of Sternlight & Robbennolt, <i>Good Lawyers Should be Good Psychologists</i> (2007), and of Rules of Professional Conduct. (Readings are available on course website & Moodle)
Thurs. Sept. 8th	<p><u>Class:</u> Client Interview & Introduction to Legal Analysis</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> • Text Vol. I, pp. 33-67. • Amsterdam et al., <i>Using & Interpreting the Law</i> (2014) pp. 1-7; “Interpreting nonjudicial rules” pp. 13-17. • Read and analyze <i>O’Connor v. Consol. Coin Caterers Corp.</i>, 517 U.S. 308 (1996). <p><u>To Do:</u></p> <ul style="list-style-type: none"> • Complete the readings before class. • Be prepared for client interview during this class.
Mon. Sept. 12th	<p><u>Class:</u> Introduction to the Interoffice Memo; continue legal analysis.</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> • Read “Interoffice Memorandum,” <i>Effective Lawyering</i> (2007). • Read Delaney & Lahey, <i>The ADEA at the Intersection of Age & Race</i>, 40 Berkeley J. Empl. Labor L. (2019). <p><u>To Do:</u> Complete the readings before class.</p>

Thurs. Sept. 15th	<p><u>Class:</u> Introduction to the Rule Statement</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> • Read Text Vol. I. pp. 67-113; • John F. Murphy, <i>The Case Grid</i> (2013); • Read cases, as assigned. <p><u>To Do:</u></p> <ul style="list-style-type: none"> • Draft Overall Rule Statement for “age discrimination.” • Identify component parts of Rule for “age discrepancy as inference of age discrimination” (factors and/or requirements) and outline; • Begin case gridding; • Complete the readings before class.
RULE ASSIGNMENT IS NOW DUE ON MONDAY, SEPT 16TH	[SCROLL DOWN THIS TABLE A BIT ...]
Mon., Sept. 19th	<p><u>Class:</u> Introduction to Rule Explanation.</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> • Review Text Vol. I., pp. 82-112. • Read cases, as assigned. <p><u>To Do:</u></p> <ul style="list-style-type: none"> • Revise Rule Statement for “Age Discrimination”; • Draft Rule Statement for “Age Discrepancy.”
Thursday, Sept. 22 nd by 5 p.m.	<p><u>Class:</u> Introduction to Application & Counter-arguments.</p> <p><u>Readings & Assignments for Class:</u></p> <ul style="list-style-type: none"> • Review cases, as assigned. • Review Text Vol. I, pp. 82-112. <p><u>To Do:</u></p> <ul style="list-style-type: none"> • Revise Rule Statements; • Draft Rule Explanation/Application/Counter-arguments for “age discrepancy.” • Upload CRRACC for “age discrepancy” to Moodle by Sunday, Sept. 25th at 5 p.m. (Ungraded).

Due Mon., Sept 26th on Moodle by midnight.	Submit Overall Rule Statement for “Age Discrimination” and Outline of Rule Statement for “age discrepancy as inference of age discrimination.” on Moodle (Graded)
Wed., Sept. 28 th (Leg. Monday)	<p><u>Class:</u> Introduction to Statement of Facts; Continue Rule Explanation/Application/Counter-args.</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> ● Review Text Vol. I, pp. 82-112. <p><u>To Do:</u> Complete the readings before class.</p>
Thurs., Sept. 29th	<p><u>Class:</u> The Law & The Facts; Analysis cont’d.; Question Presented/Brief Answer; Umbrella Statement, Conclusion.</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> ● Review Text Vol. I, pp. 101-04; 116-124. <p><u>To Do:</u></p> <ul style="list-style-type: none"> ● Draft Statement of Facts. Upload to Moodle by Sunday, Oct 2nd by 5 p.m. ● Draft QP/BA ● Umbrella ● Revise CRRACC.
Due Sunday, Oct 2 nd by 5 p.m.	Draft Statement of Facts and upload to Moodle. (Ungraded)
Mon., Oct. 3 rd .	<p><u>Class:</u> Case analysis, cont’d. Peer Review-Statement of Facts.</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> ● No new readings. <p><u>To Do:</u> Draft Statement of Facts; Revise CRRACC.</p>
Thurs., Oct 6th	<u>Class:</u> Workshop Before Memo Deadline.

	To Do: Memo due Sunday, Oct 9th by 11:59 p.m. (Graded)
Due Sun., Oct. 9th on Moodle by 11:59 p.m.	PARTIAL OFFICE MEMO (GRADED).
Thurs. Oct. 11th-Oct. 21st.	<p><u>Class:</u> Conferences.</p> <p>Reading during conference period: CUNY Law School Writing Center website: http://www.law.cuny.edu/legal-writing/students/revision.html</p> <p><u>To Do:</u> Revise First Draft of Interoffice Memo.</p>
Mon. Oct. 24	<p><u>Class:</u> Global feedback on First Draft of Interoffice Memo; Client Counseling & Client Letter. Begin work on counseling plan.</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> • Text Vol. I, pp. 252-276. • Amsterdam, et al. <i>Counseling a Client</i> (2014). <p><u>To Do:</u> Work on Counseling Plan.</p>
Thurs. Oct. 27th	<p><u>Class:</u> Client Counseling Session & Reflection.</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> • Review Text Vol. I, pp. 252-276. <p><u>To Do:</u></p> <ul style="list-style-type: none"> • Draft Letter, and upload to Moodle by Sun., Oct 30th by 5 p.m. Bring for Peer Review on Wed., Nov. 2nd. Final draft of client letter due Fri., Nov. 6th at 11:59 p.m. • Review cases for “stray comments” issue and outline “stray comments” rule.
Mon. Oct. 31 st	<p><u>Class:</u> Begin Issue Two: “Stray Comments.”</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> • Review and analyze all cases for discussion related to “stray comments.” <p><u>To Do:</u></p>

	<ul style="list-style-type: none"> • Work on case gridding “stray comments.”
Thurs. Nov. 3rd	<p><u>Class:</u> Continue analysis for Issue Two (“Stray Comments.”). Review CRRACC.</p> <p><u>To Do:</u></p> <ul style="list-style-type: none"> • Revise Rule Statement for “stray comments” and bring to class. • Work on case gridding for “stray comments.” • Begin draft CRRACC for “stray comments.”
Mon. Nov. 7	<p><u>Class:</u> Continue case analysis and Rule Synthesis for “stray comments” issue.</p> <p><u>To Do:</u> Work on CRRACC for “stray comments.”</p>
Thurs. Nov. 10th	<p><u>Class:</u> Continue “stray comments” analysis, finish drafting stray comments RR</p> <p><u>Readings and Assignments for Class:</u> TBD.</p> <p><u>To Do:</u></p> <ul style="list-style-type: none"> • Draft CRRACC for “Stray comments” and upload draft to Moodle by Sunday, Nov. 12th at 5 p.m. (Ungraded)
Mon. Nov. 14th	<p><u>Class:</u> Continue “stray comments” analysis.</p> <p><u>Readings and Assignments for Class:</u> TBD</p> <p><u>To Do:</u> Continue revisions of Memo.</p>
Thurs. Nov. 17th	<p><u>Class:</u> Final Memo Workshop. (Work on Stray Comments CRRACC on your own, with Prof. Lamdan on call.)</p>
Mon. Nov. 21st	<p><u>Class:</u> Intro to negotiations & Final writing lesson for memo editing: passive voice & nominalization</p> <p><u>Readings and Assignments for Class:</u> Read Text, Vol. I, pp. 285-365.</p>

	<u>To Do:</u> Draft negotiation plan.
Due Thursday, November 24th^t on Moodle 11:59 p.m.	FINAL DRAFT – INTEROFFICE MEMO
Wed., Nov. 23 rd	Work on negotiation plan. Due Mon., Nov. 28th by 9 a.m.
Thurs. Nov. 24th	NO CLASS – HOLIDAY
Mon. Nov. 28	<p>Come to class prepared for negotiation exercise.</p> <p><u>Class:</u> Negotiation exercise.</p> <p><u>Readings and Assignments for Class:</u></p> <ul style="list-style-type: none"> ● <u>Review</u> Text Vol. I, pp. 285-365. <p><u>To Do:</u> Draft negotiation reflection and submit on Moodle by Wed. Nov. 30th at 1 p.m. (GRADED)</p>
Wed., Nov. 30 th (Conference Time)	Reserved for drafting Reflection of Negotiations exercise. Due on Moodle by 1 p.m. (Graded).