

Appendix D

The Legal Practicum: General Practice of Law

The Legal Practicum: General Practice of Law¹

The Legal Practicum: General Practice of Law Course is designed to provide real-world, hands-on experience in matters involving the general practice of law. Through The Legal Practicum: General Practice of Law Course, attorneys resolve a number of legal issues—from negotiating their client’s DUI charge in District Court, to arguing for or against an attorney’s disciplinary action at the Court of Appeals, to conducting a full day tort trial in front of a mock jury. Attorneys receive feedback on their written work and their method of oral presentation. Attorneys in The Legal Practicum: General Practice of Law Course can experiment with different methods and find what works best for them. They apply theory to legal problem solving, handle ethical problems, review theory and substance, work cooperatively with others, refresh and improve their writing skills, improve their oral presentation skills and develop and improve their lawyering skills.

Part I: The Legal Practicum: General Practice of Law Course Handbook & Syllabus

- Includes the Syllabus with due dates.
- Includes important information regarding:
 - key responsibilities of course director, course administrator and participants;
 - individual work v. firm work;
 - common questions;
 - adjunct contact information;
 - exercise directions; and
 - grading forms for attorney reference.
- Attorneys will be held accountable for its contents.

Part II: The Legal Practicum: General Practice of Law Course Exercises

- Includes client information and learning objectives.

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COURSE CONTENT

Legal Practice Management

- Opening and managing client files;
- Preparing and executing client representation agreements;
- Keeping a calendar to schedule numerous meetings, client interviews and hearings;
- Writing a variety of short nonlegal correspondence to clients, clerks of court and opposing counsel;
- Keeping track of time for billing purposes;
- Preparing billing statements; and
- Working with others, delegating, organizing and conducting meetings.

General Practice of Law

- Alternative Dispositions
- Adversity v. Cooperative Problem Solving
- Authority of the School Board
- Basis for Disbarment
- Client Credibility
- Commingling
- Contract Interpretation
- Contributory Negligence
- Criminal/Behavior/Theft
- Damages
- Easements/License
- Formal v. Informal Presentations
- Gambling Addiction as a Disease/Syndrome
- Just Cause
- Liability
- Limiting Ordinances and State Law
- Local Law Enforcement Policies
- Local Prosecutorial and Judicial Policies Concerning Plea Bargaining, Negotiation and the Entering of a Plea, Sentencing
- Mitigating Circumstances
- Misrepresentation
- Negligence
- Negotiation Strategies
- Non-Compete Contracts
- Past Practices
- Progressive Discipline
- Power of City to Control Roads
- Purchase Agreements
- Reasonableness of the Procedure for Termination and the Application to Employee
- Remedies – Termination, Suspension
- Reinstatement with or without Back Pay
- Rules of Criminal Law and DUI
- Sale of Real Estate Property
- Sources of Revenue
- Standards of Proof
- State Rules and Regulations
- Sufficiency of the Notice of the Rule
- Title IX
- Traffic Laws
- Types of Injunctive Relief
- Valuation

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The Legal Practicum Exercises currently in use:

Intellectual Property – Patent Infringement – Theft of Trade Secrets

FINBAR Software System Solutions (Plaintiff) v. St. Helens Worldwide Technology (Defendant)

Abstract: This is an action for patent infringement brought by FINBAR Software System Solutions against St. Helens Worldwide Technology. St. Helens has denied the allegations of patent infringement and has filed a counter claim alleging that FINBAR illegally obtained Trade Secrets belonging to St. Helens. In the suit, FINBAR claims that St. Helens bought the software product prototype “KILTS” that had not yet been completely commercialized and was being test marked at FINBAR's office and warehouse in St. Paul, Midstate and on the internet through Ebay. The complaint alleges that St. Helens reverse engineered the product, and offered it as a product of St. Helens named “SWATS.” The complaint alleges that the SWATS product infringes on FINBAR's patent. St. Helens answers by claiming that the FINBAR “KILTS” product was not protected. St. Helens further states its software security system named “SWATS” is directed to meet a niche that FINBAR expressly announced it was not interested in pursuing. St. Helens claims that the security software product and services are totally different in nature than that offered by FINBAR. St. Helens also alleges that FINBAR based its “KILTS” product on illegally obtained trade secrets. This exercise may be used: (1) as part of a complete course in advocacy and may be combined with other exercises, (2) as an entire trial—court or jury—as a whole trial, it may cover liability and damages or may be limited to one or the other, (3) for an expert examination, (4) for discrete exercises on damages or liability, (4) for the introduction of exhibits, (5) as a basis for a Markman Hearing, (6) for discovery (depositions and interrogatories) or, (7) for motion practice.

Intellectual Property – Theft of Trade Secrets

NANO Search, Inc. (Plaintiff) v. St. Helens Worldwide Technology (Defendant)

Abstract: This is a trade secret case brought by an Internet search technology company based in Silicon Valley, Midstate called NANO Search, Inc. against St. Helens Worldwide Technology based in Bellingham, West-State. NANO claims that St. Helens misappropriated its trade secrets in St. Helens' design of a recently launched search feature called the “Family Finder” service. This service competes with a newly developed service at NANO called “Anytime, Anywhere, People Locator.” Specifically, NANO claims that its former employee Erin Soderberg, who was a program manager at NANO and deeply involved in the initial planning for the Anytime, Anywhere, People Locator, was lured to St. Helens by an attractive job offer. While at St. Helens, Erin used trade secret information in Erin's new role as a General Manager in St. Helens' search group to design the Family Finder service. This exercise may be used: (1) as part of a complete course in advocacy and may be combined with other exercises; (2) as a court or jury trial, addressing liability for misappropriation of a trade secret. Damages are not an issue in this exercise; (3) for an expert examination—in that event, the focus will be on the direct and cross-examinations of Erin Soderberg and Kerry Collier; (4) for discreet exercises on damages or liability; or (5) for the introduction of exhibits.

Professional Responsibility – Disciplinary Hearing

In the Matter of the Petition for Disciplinary Action Against Timothy B. Halbrock, Attorney at Law

Abstract: This professional responsibility exercise is designed to introduce participants to attorney-disciplinary proceedings, which may occur in a variety of contexts. This exercise occurs at the highest level before a court which has the authority to enter a final disciplinary order. The exercise can be approached from two different perspectives, i.e., from the perspective of the Director of the Office of Lawyers Professional Responsibility or from that of the attorney who is defending a disbarment recommendation. The exercise can be used as: (1) part of a complete course and combined with other exercises to add additional focused exercises, (2) an oral argument exercise, (3) motion practice oral argument, or (4) an advanced brief writing exercise.

Employment/Labor Law – Conflict Management/Arbitration

Picket Up Delivery Services (Employer) and International Association of Transport Workers (IATW) (Grievant) and Karol Brezenski (Employee).

Abstract: This exercise involves the discharge of an employee at Picket Up Delivery Services (PUDS). PUDS is a large transportation company. The sixteen-year Employee worked in the shipping department of the company. Under a change of employment rules, new procedures were put in place governing hours of employment and tardiness. The Employee was terminated from employment for four violations of these rules. PUDS claims the hourly rules and terms of sanctions for tardiness were reasonable, that the notice of these changes was adequately provided to all employees and these sanctions are supported by just cause. Under the terms of the collective bargaining agreement, the Employee through the Employee's Union, could appeal the discharge and submit the matter to binding arbitration. The attorneys represent either IATW and Karol Brezenski or Picket Up Delivery Services and are involved in an arbitration hearing.

Tort – Personal Injury

Helen Darngood v. Mel Landers

Abstract: This law suit arises out of a personal injury, automobile accident that occurred in a crosswalk on December 23. The Plaintiff alleges that the Defendant, Mel Landers, acting in the scope of Landers' duties for Picket Up Delivery Services, was negligent as the driver of the Picket Up Delivery Truck. Landers did not drive as an ordinary, careful and prudent person would drive under the circumstances. The Plaintiff alleges that Mel Landers drove the Picket Up Delivery Services truck through a red light, into a crosswalk, striking Helen Darngood causing her severe injuries. The Defendant denies that Mel Landers, and/or the Picket Up Delivery Services company were negligent. The Defendant claims that the light for the vehicle driven by Mel Landers was green and that Helen Darngood was 100% contributorily negligent in that she crossed in front of the truck against a red light. This exercise can be used for either a bench or jury trial.

Tort – Personal Injury

Chris Reagan v. Jody Jacobson

Abstract: This exercise is designed to provide the opportunity for participants to represent a client in a lawsuit, beginning with the drafting of pleadings and culminating in a full-day jury trial. The project includes preparation of pleadings, the discovery process, investigation, research, pre-trial motions and hearings, witness preparation, and trial preparation and presentation. The case involves personal injuries sustained by both parties to the law suit in a car accident. Issues raised include the comparative negligence of the parties and their respective damages.

Employment Law – Non-Compete—Injunction Motion

Superior Speech and Hearing Center v. Baines

Abstract: This exercise is designed to introduce participants to non-compete contracts, employment law, and the temporary injunction process. Participants act either for the Plaintiff or Defendant in a temporary injunction action. Defendant Jan Baines signed a one-year employment agreement with Plaintiff Superior Speech and Hearing Center, Ms. Baines' former employer. Defendant's contract has expired but Plaintiff alleges that Ms. Baines is bound by a restrictive covenant which prevents her from becoming an employee of any of Plaintiff's clients and from providing services in Plaintiff's city. The covenant provides for injunctive relief in the event of a breach by Ms. Baines. In its complaint, Plaintiff seeks a permanent injunction and other relief which Defendant opposes. Participants who represent the Plaintiff will bring a motion for a temporary injunction against Defendant to prevent her from working for a competitor while the matter is awaiting trial. Defendant will oppose this motion. Defendant has agreed to work for Plaintiff's major competitor and Plaintiff alleges Defendant has violated the non-compete clause. Plaintiff seeks to enjoin Defendant from beginning that employment.

Employment Law – Conflict Management – Arbitration

Mid-State University (Employer) and Pat Rogers (Employee) and State Professional Employee Union (SPEU) (Grievant)

Abstract: This exercise involves the discharge of an employee at Mid-State University. The employee was hired to manage a liquor store owned by the university. Under the workplace rules, the employee was prohibited from knowingly selling alcohol to an obviously intoxicated person. Mid-State University claims the employee knowingly sold alcohol to an obviously intoxicated person. Under the terms of the collective bargaining agreement, the employee could appeal the discharge and submit the matter to binding arbitration. The attorneys represent either Pat Rogers and Mid-State Professional Employee Union or Mid-State University and are involved in an arbitration hearing.

Criminal Justice – Alcohol-Related Driving Offenses

State v. James

Abstract: This criminal justice exercise is designed to introduce participants to a criminal proceeding associated with alcohol-related driving charges. An investigation has produced the police reports. Detailed fact statements of Anna James may be provided by the instructor or may be obtained through interviewing a person playing the role of Anna James. Participants analyze police reports and other information in preparing for meetings with the client, prosecuting attorney and judge. The participants also have to come to grips with how to advise their client about the prospects of winning the case.

Administrative Law/School Law

Advancement for the Arts v. Athletics for a Healthy America

Abstract: This exercise involves representation of a loosely organized group before a school board. The participants will represent either the organization entitled “Advancement for the Arts” or the organization entitled “Athletics for a Healthy America.” The goal of each group is to sway the school board to fund their respective group's interest. The school board is in the unenviable position of needing to determine whether they will provide greater funding for arts or sports. In this representation participants will interview and work with a client, draft a representation agreement, a letter to the client and other communications necessary, a memo to a senior partner, a persuasive (advocacy) letter to the school board, and make a persuasive presentation to the school board or to people who have been delegated the responsibility to work with counsel to resolve the matter.

Real Estate – Negotiation/Purchase Agreement

Peters, Taylor and Thomas

Abstract: This real estate exercise involves the sale and purchase of a residential property. The buyer and seller need assistance negotiating the sale of residential property. For thirty years the Sellers have used their Neighbor's driveway to gain access to the Seller's property from the public road. The Sellers and the Neighbors are long-time friends, and to date the Neighbor is unwilling to let this or any other buyer use the driveway. Therefore, in addition to the negotiation and purchase agreement for the Seller's land, this exercise also involves the negotiation and purchase agreement for the sale by the Neighbor of an easement across his property. Participants will represent either the Buyer or the Seller. A third person will represent the Neighbor's attorney. Participants will negotiate and draft the purchase agreement(s) for the sale of the residential property.

Exercises in Various Stages of Development:

1. Tort - Product Liability – *Robert Russell Miller v. Cal McPherson and Finbar Enterprises*
2. Environmental Law – *Rolling Hills Equestrian Center & Hospital [GG. Race Horse Partnership] v. Midstate Municipal Airport Commission (MMAC)*
3. Medical Law – Malpractice – *[as yet unnamed parties v. unnamed parties]*
4. Real Estate – Eminent Domain/Condemnation – *County v. Newsted*
5. Admin. Law/Land Use – *Green for Our Children v. Growth for our Community*
6. Contracts/Torts/Criminal Law – *In the Matter of the Jade Ring*
7. Family Law / Dissolution of Marriage – *In the Matter of Marriage Dissolution Action Diane Unger and David Unger*
8. Criminal Law – Felony Burglary and Theft – *State v. Kartal*
9. Professional Responsibility – Disciplinary Hearing – *In the Matter of the Petition for Disciplinary Action Against Robert M. Crae, An Attorney At Law*
10. Criminal Justice – Juvenile Delinquency – *In the Matter of the Welfare of Chris Peders*
11. Civil Procedure – Aircraft Accident Litigation – *Oliver Frederick, et al. v. Alliance ChartAir Airlines Inc., EuroAir International, et. al.*
12. Business Organizations – *In the Matter of Omega Industries and Montrose, Inc.*
13. Contracts – *In the Matter of Global Green Fuel (GGF) and Prairie Cooperative*
14. Securities – *In the Matter of Financing for Grumble & Green Inc., a Bookstore*
15. Torts – Products Liability – *Shoua Lee Crockett, Yang Lee and Crockett International Oil Diversified and Alaska by Air, Inc., and Lansing Carburetor Co.*

Budget The Legal Practicum: General Practice Course 32 students				
Director - 1/2 time				\$10,000
Administrator - 1/2 time				\$10,000
Lectures by Adjuncts	29 hours		\$50/hr	\$1,450
Oral Critiques by Adjuncts	8 oral events	9 oral assign.	\$40/ea	\$2,880
All day Oral Critique - trials	8 oral events	8 adjuncts	\$300/day	\$2,400
Written Critiques by Adjuncts - firm	16 firms	12 assign.	\$15/ea	\$2,880
Written Critique by Adjuncts - individual	32 students	7 memos	\$10/ea	\$2,240
Written Critiques by LW Adjuncts	32 students		\$200/ea	\$6,400
Food for volunteer jurors - trials	80 jurors	breakfast/lunch	\$13/ea	\$1,040
Total				\$39,290