

**INTENSIVE PRACTICAL LAWYERING SKILLS COURSE**  
**University of Cincinnati**  
**Fall 2008**

Pamela Ginsburg  
[pginsburg@ulmer.com](mailto:pginsburg@ulmer.com)

This is an intensive skills-based course designed to provide students the opportunity to learn and practice fundamental lawyering skills. Students will examine how practicing lawyers address difficult ethical and professional problems, develop a case and investigate facts, resolve conflicts, act professionally and provide quality service. The textbook we will use is designed for a live-client clinic. Although that is not what this class is, this textbook was chosen because it covers the same practical lawyering skills we will be developing in this class. Through simulations, presentations, skill development practice, etc., students will practice interviewing and counseling clients, strategic case planning and organizing facts, problem solving and decision making, deposing witnesses, drafting legal documents, and negotiating on behalf of a client.

**Course Materials**

Chavkin, *Clinical Legal Education* (2002).  
Hand-out Packet

**Format and Grading**

This course will be a 2 credit-hour course and will be limited to twenty students. The class will meet for five hours each day for a one-week period. Students will be expected to participate in simulations and to draft pleadings, correspondence, and agreements. In addition to a wide-range of exercises on various fact patterns, students will work throughout the week on one assigned case (the *Tessa Jenkins* case), with some students assigned the representation of the plaintiff and others assigned the defense. There will be no final examination. Students will be expected, however, to turn-in assignments daily, including legal drafting assignments and quiz responses. Thorough preparation, active participation, and consistent class attendance are essential. Grades will be based on class participation (50%), legal drafting (40%), and quiz responses (10%).

## **COURSE OUTLINE**

### **Day 1**

Reading assignment for the first class:

#### *Clinical Legal Education*

Ch. 5, "Theory of the Client"

Ch. 6, "Client-Centered Representation"

Ch. 11, "Interviewing"

### **Getting Started**

Opening the File - Establishing the Professional Relationship

Conflict Checks

Facts of the Case

Client Expectations vs. Practical Realities

The Agreement

Interviewing the Client (the Plaintiffs)

Discussion: The legal and non-legal dimension of a client's  
problem

Drafting a demand letter

Developing the Case

Statement of the Claim

Developing a Strategy

Exercise: Draft Demand Letter

### **Day 2**

Reading assignment for the second class:

#### *Clinical Legal Education*

Ch. 8, "Fuzzy Thinking"

Ch. 9, "Collaboration"

#### *Handouts*

“Lawyers’ Pledge of Professionalism”  
“Practicing Like an Ethical Lawyer”  
“Taking the Right Case”  
“Questions to Ask When Interviewing . . .”  
“10 Tips for Avoiding Legal Malpractice”  
“Mastering the Art of the Witness . . .”  
“How to Win Without Going to Court . . .”

## Developing the Case

Discussing Strategy with Clients

The Complaint

Interviewing the Client (the Defendant)

Developing the Defense

Response to the Complaint

Answer

Motion to Dismiss

Exercise: *Tessa Jenkins* case - - Drafting the Response

Discovery Strategy

Drafting Interrogatories and Requests for Production

Analyzing Discovery Responses

Medical Records

Business Documents

Reports

Interviewing Witnesses

Exercise: Draft Interrogatories

## **Day 3**

Readings for the third class:

*Clinical Legal Education*

Ch. 10, “Fact Investigation”

*Handouts*

“Client Expectations: Discovering, . . .”

"Bedside Manners for Lawyers"  
"Drafting Interrogatories That Will . . . "  
"The Discovery Plan"  
"How to Take a Deposition . . . "  
"Depositions Require a Skill Set Leaders . . . "  
"How to Take Better Depositions . . . "  
"Common Witness Misperceptions. . . "  
"Depositions from the Client's Perspective"  
"Preparing to Take a Deposition"  
"Preparing a Witness for Deposition"

## Gathering and Analyzing Information

Depositions

Strategies for Examination

The Outline

Defending Depositions

Objections

Preparing the Client for Her Deposition

Exercise: *Tessa Jenkins* case - - Working Session with Client

Sample Transcripts

Preliminary Matters

The Court Reporter

Exhibits

Exercise: *Tessa Jenkins* case - - Practice Depositions

## Day 4

Reading assignment for the fourth class:

*Clinical Legal Education*

Ch. 11, "Counseling"

*Handouts*

"What Am I Supposed to Do with Her?"

"How to Prevent a Major Screw-Up"

“Overcoming Special Problems in Counseling”  
“Lawyers’ Duties to Other Counsel”  
“Identifying and Combating Discovery Abuse”

Problem Solving, Decision Making, and Counseling

Developing Sensitivity to Issues of Professional Responsibility

Dealing with Opposing Counsel

Motion Practice

Working Collaboratively with other Professionals

Exercise: *Tessa Jenkins* case - - Addressing Problems

The Lawyer as Counselor

The Counseling Process

Clarifying the Objective

Decision-making

The Moral Dimension

Fundamentals of Consensual Dispute Resolution

Skills and Strategies for Motivating the Client

Detailed Settlement Demands

Settlement Notebooks

Exercise: Draft Mediation Statement

**Day 5**

Reading assignment for the fifth class:

*Clinical Legal Education*

Ch. 12, “Negotiation”

*Handouts*

“Winning at Arbitration”

“Effective Negotiating”

“The 10 Biggest Negotiation Mistakes . . .”

“Recipe for a Stress-free, Productive Mediation”

“Winning at Mediation”

“The Mediation Bookends”

## Negotiation

### Pre-Negotiation Analysis

Evaluating Your Case

Evaluating Your Opponent's Case

### Developing a Negotiation Strategy

### Negotiation Dynamics

Effects of Court Involvement

### Effective Advocacy in the Mediation Process

Exercise: *Tessa Jenkins* case - - Participate in Negotiating Settlement of a Case

### The Settlement Agreement

Exercise: *Tessa Jenkins* case - - Draft the Agreement