**Providing Pro Bono Legal Services:**

**Professional Responsibility and Entrepreneurial Leadership**

**Law 283.2**

# Thursday 3:35 – 5:25, Room 240

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**Course Description**

* Examine professional responsibility in the legal profession, with a focus on the responsibilities of lawyers who provide pro bono legal services
* Apply the rules of professional responsibility to the challenges faced by student-initiated legal services projects (SLPS) leaders and participants
* Explore the entrepreneurial leadership skills required for successful leadership of SLPS projects
* Meet with leaders of legal services organizations and the Bar to study their approaches to effective leadership

**Objectives**

* Support the work of the student leaders of SLPS projects
* Demonstrate and study the link between leadership of legal services projects and professional responsibility
* Give leaders of SLPS projects the opportunity to share their challenges with other student leaders and to develop solutions collaboratively
* Help prepare current SLPS leaders for professional leadership positions in their careers
* Expose students to leaders in the legal profession
* Allow the students to guide and contribute to the entire SLPS program through group problem-solving and inter-group coordination
* Undertake a written project to benefit a SLPS project

**Intended Outcomes**

* Students will have a general understanding of the regulation of lawyer conduct through the American Bar Association Model Rules and California’s professional responsibility statutes
* Students will become aware of and enhance their leadership skills
* Student leaders will collaborate on the creation of a community of SLPS leaders
* Students will improve the operation and management of their SLPS projects

**Grading**

This course will be graded according to a standard Berkeley Law curve. Grades will be based on class participation (21 possible points); two brief (2-3 pages) directed reflection papers (20 possible points); and an oral presentation to the class (25 possible points), which presents your work on a written project related to work within your SLPS project (35 possible points).

Participation points will be determined by the instructors at the end of each class meeting. Students showing evidence of engagement in class will earn 1.5 points. Students violating the computer policy (see below) will lose 0.5 points. Students who are absent will receive no points. However, students with an excused absence may make up 1.0 points by submitting a brief memo demonstrating that they read and reflected on the assigned materials.

**Due Dates**

A full description of each assignment is given next to the due date in the syllabus. All papers should be uploaded to B-space before the deadline.

* Noon, Thursday **September 8**: Memo 1 is due.
* Noon, Monday **December 5**: Memo 2 is due.
* Oral Presentation dates will be assigned after the course has begun.
* Written Projects are due by Thursday at noon, one week after the oral presentation.
* Any Excused Absence Memos are due by Thursday at noon, one week after the missed class.

**Absence Policy**

Class attendance is required. Absences will be excused for illness, for unavoidable commitments to the student’s SLPS project, or by prior consent of the instructors. Students with an excused absence may make up 1.0 participation points by submitting a brief memo demonstrating that they read and reflected on the assigned materials. Absences will only be excused if there has been advance notice to the SLPS Coordinator/Public Interest Skills Fellow.

**Computer Policy**

Computers may be used in class to take notes, do contemporaneous research on class discussion items, and communicate with other students in the classroom on class discussion items. Computers may not be used for unrelated purposes, such as checking e-mail, playing games, or shopping.

**Assigned Teaching Materials**

All students are required to have access to or a copy of the following material:

* Ronald Rotunda, Legal Ethics in a Nutshell (3rd ed.) (West 2007)
* Course Reader, which will be posted on B-Space
* The ABA Model Rules of Professional Conduct, which will be posted on B-Space
* The California Rules of Professional Conduct (CRPC) and The State Bar Act (located in the California Bus. & Prof. Code), which will be posted on B-Space

**Course Overview**

**Aug. 25 Introduction**

*What is your SLPS project? Why have you chosen to lead this project?*

***Agenda Items:*** Course Objectives and Overview of Course

***Rounds Topics:*** Saturday’s Lawyering Skills Orientation; Additional individual SLPS projects’ orientations; Recruitment of 1Ls, transfers, LLMs and other students

***Readings:***

* William P. Quigley, Letter to a Law Student Interested in Social Justice, DePaul Journal for Social Justice, vol. 1, no. 1, at: <http://law.loyno.edu/~quigley/Articles/LetterToLawStudent.pdf>
* Justice Stephen Breyer, The Legal Profession and Public Service, 57 N.Y.U. Ann. Surv. Am. L. 403 (2000) at: [http://www.supremecourt.gov/publicinfo/speeches/sp\_10-10-00.pdf](http://www.supremecourt.gov/publicinfo/speeches/sp_10-10-00.pdf" \t "_blank)
* Preamble, ABA Model Rules, available on B-space
* Student Initiated Legal Services Projects: <http://law.berkeley.edu/slips.htm>. Read the descriptions of each SLPS Project and reflect on ways your group would benefit from interacting with groups doing related work.

**Sept. 1 Pro Bono: What is it and what is it *not?***

*Why is pro bono important? Is pro bono the same as public interest work? Is all public interest work pro bono? Can a lawyer charge for pro bono work? If yes, is it still pro bono?*

***Before Class:*** Please submit 1 paragraph biography to [slpscoordinator@law.berkeley.edu](mailto:slpscoordinator@law.berkeley.edu), and indicate whether or not you consent to having it disseminated to class speakers.

***Undirected Rounds:*** Please email proposed Rounds topics to the SLPS coordinator.

***Readings:***

* ABA Model Rules: 6.1, 6.3, 6.4 and 6.5
* CA Rules of Professional Conduct: 1-600, 1-650; Bus. & Prof. Code 6068(h)
* Read the Executive Summary of Supporting Justice II: A Report on the Pro Bono Work of America’s Lawyers at: http://www.americanbar.org/content/dam/aba/migrated/2011\_build/probono\_public\_service/report2\_2011.authcheckdam.pdf
* Read History of Civil Legal Aid at: <http://www.nlada.org/About/About_HistoryCivil>
* Seattle Times, Billing in ‘pro bono’ cases is fodder for ethics at: <http://seattletimes.nwsource.com/html/localnews/2003888245_probono17m.html>
* Blog of Legal Times, D.C. Judge Requests Three Firms’ Rates in Legal Fee Dispute at: <http://legaltimes.typepad.com/blt/2011/03/dc-judge-requests-three-firms-rates-in-legal-fee-dispute.html>

***Consider for Class Discussion:***

* A non-profit organization represents a plaintiff in a Title IX class action civil rights case. The non-profit has contracted with a large law firm, who will be its co-counsel in the case, and the law firm has agreed to pay all the expenses for the case and to contribute several thousand hours of attorney time at no charge to the plaintiffs. After a trial, the plaintiffs prevail and are entitled to attorneys’ fees as the prevailing party under the terms of the Civil Rights Act. Can the law firm seek its fees from the defendant? If it does, can it still label this work as “pro bono” for the purposes of its annual report? And should the firm’s fees be based on the usual rate charged by legal non-profits or should they charge the hourly rate of the law firm?
* A SLPS student conducts client intake for her supervising organization, a legal services non-profit. While interviewing potential clients, she thinks she has discovered a strong case. She takes her client intake form and her ideas to the supervising attorney on duty that night, who agrees the case is ripe for litigation. The SLPS student is assigned to the case, along with her student partner. The two students ultimately put in 500 hours before the case is resolved favorably for the plaintiff, the original client the student talked to. The organization asks the court to grant attorneys’ fees, including the 500 student hours, at a rate of $150 per hour, which is the standard rate that large law firms in San Francisco charge for law students. Is this considered pro bono work? What other issues do you see?

**Sept. 8 Pro Bono/Access to Justice & Introduction to Leadership Skills**

*Do you think pro bono is an effective way to meet unmet legal needs? How else can we provide legal services to those who cannot afford to hire lawyers? Who are the clients your SLPS project serves? Do they have equal access to justice? In the absence of your SLPS project, what would they do?*

***Before Class:*****Memo 1 is due today at Noon.** Please limit to 3 pages and submit to B-Space.

Instructions for Memo 1:

* Introduce yourself to the professors and the SLPS Fellow. Tell us who you are, something about your background, and why you have taken on the responsibility to run a student-initiated legal services project. We are interested in how your pre-law school educational experience, life experience, and your law school experience have informed who you are and why you have chosen to take on this leadership role. We expect you to address why you have chosen your specific project.
* Discuss your leadership style. Do you have one? Do you know what it is? Do you like it? For purposes of our class, what are you hoping to learn about leadership? Please refer to the assigned Daniel Goleman article.
* Also, discuss your ethics and how you see them inspiring and informing what kind of lawyer you want to be. We are not interested in your divulging secrets; we are interested in getting a sense of the way you define and approach professional responsibility and professionalism in the legal profession.

***Undirected Rounds:*** Please email proposed Rounds topics to the SLPS coordinator.

***Assignment:***

* Read Alan Houseman, “The Justice Gap- Civil Legal Assistance Today and Tomorrow,” Center for American Progress, at: <http://www.americanprogress.org/issues/2011/06/pdf/justice.pdf>
* Read Report on ABA Recommendation on Civil Legal Aid, adopted Aug. 2006, on Bspace
* Read Action Plan for Justice, Executive Summary 4-13; and Recommendations (31-36) at: http://calbar.ca.gov/LinkClick.aspx?fileticket=v\_SGodgEEUM%3D&tabid=738
* Read ABA Model Rules: 5.5 and 6.2
* California Bus. & Prof. Code: 6068(h) and 6210-6213
* Read Executive Summary of Improving Civil Justice in Rural California at:
* <http://www.calbar.ca.gov/LinkClick.aspx?fileticket=wBD9dBjuIm4%3d&tabid=216>
* Read The High Cost of Poverty: Why the Poor Pay More at:  
  <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/17/AR2009051702053.html>
* Read Daniel Goleman, Leadership that Gets Results at: <http://www.anderson-sabourin.com/Leadership_That_Gets_Results.pdf>

***Consider for Class Discussion:***

* Legal services non-profit organizations have argued that they do not compete with the private bar, and that the cases they take would not otherwise be taken by private lawyers. In support of this proposition, most legal services non-profits will not take potentially fee-generating cases. Do you think that your work is taking away potential clients and cases from private attorneys?
* What happens when clients do not have access to lawyers?
* In criminal law, defendants are generally entitled to legal representation. If they cannot pay, they are entitled to be represented by a lawyer supplied by the state without charge. There is no such right to an attorney in civil cases. Should there be? Why or why not?
* While conducting a client intake in your SLPS project, you interview a woman with two children who explains she has been to Legal Aid, the Bar Association in two counties, and numerous non-profits about her case. Everyone has been sympathetic, but they have all been at capacity and cannot take her case. What concrete steps can you take to help this woman?

**Sept. 15 Pro Bono & Cultural Competency**

*Who are your clients? What kinds of disadvantages do they have to overcome? How (if at all) are you different from your clients? In what ways do you possess more privileges than they do? How do these potential barriers affect communication? Do they affect your abilities to help your client?*

***Guest Speaker:* Mona Tawatao, Legal Services of Northern California**

***Assignment:***

* Read ABA Model Rules: 1.14 and 1.16(b)(4)
* CA Rules of Professional Conduct: 2-400 and 3-700(C)
* Peggy McIntosh, White Privilege: Unpacking the Invisible Knapsack at: <http://www.cirtl.net/files/PartI_CreatingAwareness_WhitePrivilegeUnpackingtheInvisibleKnapsack.pdf>
* Excerpt from Susan Bryant, The Five Habits: Building Cross-Cultural Competence in Lawyers, 8 CLINICAL L. REV. 33 (2001).
* Reggie Shuford’s Ruth Chance Lecture at: <http://www.equaljusticesociety.org/tag/unconscious-bias/>

***Consider for Class Discussion:***

* A man walks into your organization’s weekly clinic for general legal issues. He is wearing a thick winter coat in early September, and the clothes under the jacket are stained. It does not look like he has been able to bathe in some time. He indicates that he has a pressing legal issue and you begin to fill out the client intake form with him. As he speaks, he indicates that he is a veteran of the Korean War and that he has struggled with issues of alcoholism since serving in the war. While crossing the street in Berkeley, he was hit by an AC Transit bus. He has already been to three lawyers, who have told him that they can’t help him because he was drunk at the time. The man has the impression that they did not want to help him because of his appearance and living situation. The man insists he was in the crosswalk and had the right of way, although he admits he was probably drunk at the time. What are your next steps?
* You are the Associate Director of a non-profit legal services organization (congratulations). Of the twelve legal staff and executives, all but one is white. You’re in the final round of a job search for a new staff attorney, and the three finalists are white. You’re about to discuss them in a staff meeting. You’ve asked your Executive Director if the lack of diversity concerns her; it does not. Are you concerned? If so, what should you do?

***REMINDER: September 20 is the registration deadline for the November MPRE.***

**Sept. 22 Professional Responsibility Overview:**

**Forming the Attorney/Client Relationship**

*What does the phrase “professional responsibility” mean? To whom are lawyers responsible? What is the source of their (our) obligations? When and how is an attorney/client relationship formed? What duties arise when an attorney/client relationship is formed? When does the attorney/client relationship end?*

***Guest Speaker on the MPRE Exam*: Yvette Byes, BARBRI**

***Assignment*:**

* ABA Model Rules 1.1, 1.2, 1.13, 1.16, 1.18, 2.1
* CA Rules of Professional Conduct: 3-110, 3-600, 3-700; Bus. & Prof. Code: 6068, 6070
* Russell G. Pearce, Daniel J. Capra, Bruce A. Green, Professional Responsibility: A Contemporary Approach, pp. 1 – 23
* Lee Teitelbaum, “Ethics in the Law School Community,” 31 U. Tol. L. Rev. 757 1999-2000
* Legal Ethics in a Nutshell, pp. 1-16

***Consider for Class Discussion:***

* Who should regulate the legal profession? Lawyers? Judges? Elected officials? The market?
* While meeting with a client to prepare her for a hearing, the client seems unusually inattentive. When you ask the client about it, she says, “I’m hungry. I haven’t eaten in two days. If you could lend me $10 for something to eat, I’ll be right back and we can continue.” What do you do? How do your moral and legal obligations work together or conflict?
* You’re at a dinner party, and someone starts to complain about how lawyers are leaches (or sharks) and how much better off we’d all be without them (us!). Do you have a responsibility to defend the profession? Do you feel a moral obligation to speak up?
* At that same party, someone is so impressed with your defense of lawyers she asks if she may ask you a question about her dispute with her neighbor. You say “sure.” Are you her lawyer?
* It turns out her dispute is caused by her flying a Nazi swastika flag outside her home. When you discover this, you tell her you can’t help her. Is it too late?
* Assume it’s not too late to withdraw, but that she explains that every lawyer in town has turned her down for representation. Now are you obligated to represent her?

**Sept. 29 Class is moved to Sept. 30th at 3:35 in Room 240 in observance of Rosh Hashanah.**

**Sept.30 Professional Responsibility: Candor to the Tribunal, Confidentiality, and Zealous Representation**

*What does it mean to be an officer of the court? How should lawyers balance their duties to the court with their duties to their clients? Can zealous advocacy include puffery on behalf of a client? What circumstances trigger a duty to maintain a client’s confidences? When, if ever, may a client’s confidences be breached?*

***Assignment:***

* ABA Model Rules: 1.3 (including Comment), 1.6, 3.1, 3.2, 3.3, 3.5, 3.6 and 4.1
* CA Rules of Professional Conduct: 3-100, 5-200; Bus. & Prof. Code 6068(d), (e)
* Legal Ethics in a Nutshell, pp. 67-97, 107-118, 310-323
* Watch Video on Alton Logan at: <http://www.cbsnews.com/video/watch/?id=3915614n>

***Consider for Class Discussion:***

* When you have a conflict between what’s best for your client and the Rules of Conduct, how should you resolve it?
* What would you do if your client told you he committed a murder for which an innocent person has been convicted? Would you disclose your client’s confidential communication over his objection? What if the wrongfully convicted person was facing execution? What if the wrongfully convicted person was imprisoned?
* What would you do if your expert witness in a personal injury case informed you that she discovered in an examination that the plaintiff has an undisclosed dangerous medical condition, of which you believe the plaintiff is unaware?

**Oct. 6 Professional Responsibility: Duty of Loyalty & Conflicts of Interest**

*What duties does an attorney owe his clients? What happens when an attorney takes on two clients whose interests are not aligned? Under what circumstances, if any, would the representation of both clients be permissible? What should lawyers take into consideration when deciding whether or not to take a case?*

***Readings*:**

* ABA Model Rules: 1.7, 1.8, 1.9, 1.10, 1.11
* CA Rules of Professional Conduct: 3-310, 3-300
* Legal Ethics in a Nutshell, pp. 120-141

***Consider for Class Discussion:***

* You are working in a SLPS Project acting as a non-attorney advocate for a youth facing expulsion from her school. You have received all of your client’s records from the school district and have reviewed them thoroughly and are ready to meet with your client. When you meet her, she earnestly tells you, “I hate school. I am really happy about being expelled because I can put in more hours at my job and I can help take care of my grandmother who lives with my family. I don’t like any of the other students and people are mean to me, even the teachers hate me. Don’t even bother trying to get me back in, I’m just going to keep ditching, so there’s no point.” What is in your client’s best interest? How should you represent her interests? What does the duty of loyalty dictate that you do? Is her interest in conflict with the goals of your SLPS group? If so, do you have an obligation to take the case?
* You are interviewing a client, Cal, that your organization is going to represent in an eviction hearing. Cal tells you that his ex-girlfriend, Gina, will testify that he gave the landlord the rent in cash, even though the landlord is claiming that Cal never gave him the rent. When you find Gina, she says that Cal definitely paid the landlord in cash because she saw him do it, but she doesn’t want anything to do with Cal. She confides, “When I’m around him, he gets abusive. You can’t use me as a witness, I’m scared.”
  + What obligation do you have and to whom?
  + Can you subpoena Gina as a witness? Should you?
* You’ve been asked to represent a husband and wife who have fled to the United States together and are seeking asylum. Can you represent both?

**Oct. 13 Professional Responsibility: Handling Money & Non-profit Management**

*What fiduciary duties does a lawyer owe to her clients? How should lawyers charge for their services? What is a reasonable fee? In the capacity as a non-profit board member, would an attorney’s fiduciary duties be similar? How are they different?*

***Assignment:***

* ABA Model Rules: 1.5, 1.15, 5.4
* CA Rules of Professional Conduct: 4-100, 4-200; Bus. & Prof. Code 6147, 6148, 6149
* Legal Ethics in a Nutshell, pp. 168-181, 426-429
* Richard C. Wydick, Rex. R. Perschbacher, and Debra Lyn Bassett, California Legal Ethics, Discussion Problems pp. 127 – 130, The Billable Hours Treadmill 143-148, Client Trust Accounts 152 – 155
* Read Why Do You Need a Board? at: <http://www.bridgestar.org/Library/WhyDoYouNeedBoard.aspx>
* Read What Are the Basic Responsibilities of Nonprofit Boards? at: <http://www.bridgestar.org/Library/BasicResponsibilities.aspx>
* Read What Are the Legal Responsibilities of Nonprofit Boards? at: <http://www.bridgestar.org/Library/LegalReponsibilities.aspx>
* Read Fiduciary Responsibilities of Board Members at: <http://www.bridgestar.org/Library/FiduciaryResponsibilities.aspx>

***Consider for Class Discussion:***

* A company that makes industrial chemicals has been dumping unfiltered waste into a local stream that eventually leads to a secondary water source for a community. Ten people who live in the community and believe they have been harmed by the dumping have hired Patrick, a lawyer, to represent them. Patrick meets with Dawn, the lawyer for the defendants, at a settlement conference mandated by a judge. Dawn offers a $10 million dollar settlement, which Patrick summarily rejects, indicating that the case is worth $500 million. The case goes to trial, and the defendants ultimately prevail.
  + Should Patrick have conferred with the ten plaintiffs before he rejected the $10 million?
  + Did Dawn have an obligation to insist that Patrick consult with his clients before rejecting the offer?
  + Should Dawn have told the plaintiffs of the offer herself? Could she have contacted them according to the ABA Model Rules?
  + To whom is Dawn obligated?
  + Should Dawn tell the judge that Patrick didn’t take her offer back to the plaintiffs?
  + Would your answer to any of the questions above have been different if Patrick ultimately won $500 million for his clients?
* You are a member of the board of directors of a sponsoring organization of a SLPS project. The organization (and project) is named “Healthy Kids.” Its mission is to advocate for children in the Medi-Cal/Medicaid system. Your group has been offered a large grant from the U.S.A. Tobacco Company. All they ask in return is that your annual report and your informational publications contain the phrase “a grantee of U.S.A. Tobacco Company.” What issues are raised by this offer? What should the board consider in deciding whether to accept the grant?

**Decision-Making Exercise**

Today at the end of class you will receive confidential character assignments for next week’s exercise. Please take the time to think about your character’s perspective, priorities, and methods of communication and prepare to incorporate them into the discussion, but don’t share your character assignment with your classmates in advance of the discussion.

**Oct. 20 Leadership & Decision-Making**

*Recall that in the third week of class (September 8) we asked you to define your leadership style. Do you see a connection between your leadership style and your effectiveness in leading your SLPS project? Has your leadership style changed in response to your observations? Think about your SLPS project and the various leadership styles you all have. How can your SLPS project benefit or suffer from different leadership styles?*

**Student Presentations begin today and continue over the next four class sessions.**

***Assignment***:

* Take the O\*NET Interest Profiler at: <http://www.mynextmove.org/explore/ip> *or* the Knowledge Brokers International Ltd. Leadership Self-Assessment Tool at: <http://www.salesacademy.ca/sites/sales/files/leadership_assessments/Leadership_Self_Assessments.pdf>
* Read John S. Hammond, Ralph L. Keeney, and Howard Raiffa, The Hidden Traps in Decision Making, Harvard Business Review (1998), at: <http://www.capatcolumbia.com/reading%20packet/Hidden_Traps_in_Decision_Making.pdf>

**Decision-Making Exercise**:

*On October 13th, you received confidential character assignments for this exercise. We expect that you have considered your character’s perspective, priorities, and methods of communication and prepared to incorporate them into this discussion, but that you have not shared your assigned identity with your classmates in advance of today’s discussion.*

***Decision-Making Scenario***

Lawyers for Alameda County (LAC) is the only federally funded legal services organization in Alameda County, and has an annual budget of $2 million. There are four offices of LAC in different geographic locations that handle: housing and eviction (office 1), family matters including domestic violence (office 2), welfare benefits (office 3), and homeless advocacy (office 4). Each office has a director, three staff attorneys, three paralegals, and two administrative assistants and costs $500,000 per year to operate. This includes salaries, rent, supplies, outreach, private fundraising, etc. Half of the funding for LAC comes from Alameda County and the other half of the funding comes from the Legal Services Corporation.

The executive director of LAC was just appointed, and on her first day, the newly-elected Congress voted to slash funding for the Legal Services Corporation in order to get the national deficit under control. The Legal Services Corporation will only be able to give 50% of their usual funding to LAC. Alameda County is also going through a budget crisis due to the economic recession and the governor’s plan to cut spending all over the state. They also indicate that they will also have to cut their funding by 50%. The executive director is now left with $1 million as an operating budget for a $2 million organization.

A LAC stakeholders’ meeting has been called to help the executive director make a decision on what to do. The executive director will be conducting the meeting, which will involve the board of directors, staff attorneys, directors of each office, non-attorney staff, social services agencies, clients, the President and Pro Bono Chair of the Alameda County Bar Association, and some Berkeley Law students who work with the organization as a SLPS Project. By the end of the meeting, the executive director must recommend to the Board how to allocate funding for the upcoming year with input from all the stakeholders.

**Oct. 27 Leadership & Communication**

*What kind of communicator are you? How do you personally handle difficult conversations?* *What makes a conversation difficult?* *What are some tools for effective communication?* *How do you communicate with your SLPS project and your clients? Have you had any internal conflicts? How were they resolved and, if not resolved, how could they be successfully resolved?*

**Student Presentations continue today and on November 3, November 10 and November 17.**

***Active Listening Exercises:*** The Pen Exercise

***Assignment:***

* ABA Model Rules: 1.4, 4.2, 4.3
* CA Rules of Professional Conduct: 3-500, 3-310; Bus. & Prof. Code: 6068(m)
* Martha Lasley, Difficult Conversations: Authentic Communication Leads to Greater Understanding and Teamwork at: <http://www.iaf-world.org/files/members/v7%2013-20%20lasley.pdf>
* John L. Barkai, How to Develop the Skill of Active Listening, 30 The Practical Lawyer (June 1984)
* Towards Civility in Civil Practice at: <http://apps.americanbar.org/buslaw/blt/2007-05-06/kraus.shtml>

***Consider for Class Discussion:***

* Think back to the expulsion scenario we gave you on Sept 30th. How would you approach communicating with your client? Would your approach change based on this week’s readings?
* Imagine that the facts of the hypothetical have changed slightly. You are a SLPS leader in the expulsion project, and a 1L student brings up the issue that his student does not want to go back to school. How would you help him manage his communication with the client? Is your approach different now?
* In another scenario, you are a SLPS leader. A 1L SLPS participant asks you for help. She is working diligently on her expulsion case, and her supervising attorney is an associate at a big law firm. The associate recently told the student, “I’m about to prepare for my first in-court hearing and I am billing 300 hours a month. I’m totally swamped, and I don’t have the time for this right now. I’ll still be your supervising attorney, but I need a month to get things handled on my end, and then I can help you once this hearing is done.” The associate has done a lot of work for your SLPS project in the past and secured funding for your group through the firm. Without the associate’s connections, you will not have any food for your meetings next year. The expulsion hearing is coming up quickly, what do you do?
* In this last scenario, you are a SLPS leader working in expulsion representation. There have been no expulsion cases referred by the schools to your supervising organization. Your 1L students are beginning to get angry and demanding their cases because they want their Edley hours, but every time you talk to the organization, they stress that there is nothing they can do. What do you do

**Nov. 3 Transformational Leadership in the Legal Field**

*Is an effective lawyer always an effective leader? What are the qualities that allow lawyers to become effective leaders? The lawyers whose biographies are assigned for today’s class, and our guest speakers today, are broadly regarded as effective and transformative leaders. What skills have they developed that allowed them to become transformative leaders?*

**Student Presentations continue today, and on November 10 and November 17.**

***Guest Speakers:*** **Eva Paterson, Equal Justice Society**

**Joan Graff, Legal Aid Society – Employment Law Center**

***Assignment:***

* Read Marjorie Shultz and Sheldon Zedeck, 26 Effectiveness Factors
* Read John Adams and the Boston Massacre at: <http://www.aclu.org/national-security/john-adams-and-boston-massacre>
* Read biography of Clara Folz at: <http://en.wikipedia.org/wiki/Clara_Shortridge_Foltz>
* Read obituary of Thurgood Marshall at: <http://select.nytimes.com/gst/abstract.html?res=F0061EF63D5D0C768EDDA80894DB494D81>
* Read article about Ruth Bader Ginsburg at: <http://www.nytimes.com/1993/06/15/us/supreme-court-woman-rejected-clerk-chosen-justice-ruth-joan-bader-ginsburg.html?src=pm>
* Read biography of Eva Paterson at: <http://www.equaljusticesociety.org/about/evapaterson/>
* Read biography of Joan Graff at: http://www.las-elc.org/about-staff.html

***REMINDER: November 5: MPRE Examination***

**Nov. 10 Leadership, Diversity, Civility and the Organized Bar**

*Does diversity matter for legal services organizations (and, for that matter, for the entire legal profession)? If it does matter, how can lawyers achieve diversity in their practices? What role can (should) the organized bar play in promoting diversity?*

**Student Presentations continue today, and on November 17**

***Guest Speaker:***  **Holly Fujie** **(’78), Buchalter Nemer**

***Assignment***:

* ABA Model Rules: 3.4, 4.4, 5.1, 5.2, 8.1, 8.3
* CA Rules of Professional Conduct: 1-200, 5-220; Bus. & Prof. Code: 6068(f)(o), 6128
* Read Challenges to Employment and the Practice of Law Facing Attorneys from Diverse Backgrounds, pp. 21-29 at: <http://cc.calbar.ca.gov/LinkClick.aspx?fileticket=q2o0-w9lgkU%3d&tabid=2159>
* Read Challenges Facing Attorneys with Disabilities, pp. 15-18 at: <http://cc.calbar.ca.gov/LinkClick.aspx?fileticket=kGdrV3Yw3oc%3d&tabid=2159>
* Read the State Bar Overview page at: <http://calbar.ca.gov/AboutUs/StateBarOverview.aspx>
* The Alameda County Bar Association’s Guidelines for Civility at <http://www.acbanet.org/documents/pdf/EthicsBrochure2005.pdf>

**Nov. 17 Sustainable Leadership: Self-Care in the Legal Profession**

*How do you deal with stress? How do you find balance? How can you take care of yourself while being a leader? What is sustainable leadership? Do your clients benefit from sustainable leadership? What are the resources available to help you deal with stress? How do you help others in dealing with their stress? Why are so many young lawyers unhappy?*

**Student Presentations conclude today**

***Guest Speaker:***  **Dr. James Lyda**, Psychologist, Berkeley Law School

Stress Management, Work-Life Balance, Time Management Skills

***Assignment:***

* Ilene Diamond, Maintaining Balance in Law School
* Glenn Hirsch, Stop Sabotaging Your Personal Time Management
* Read excerpt from Lawrence S. Krieger, What We’re Not Telling Law Students- and Lawyers- That They Really Need to Know: Some Thoughts-in-Action toward Revitalizing the Profession from its Roots, 13 Journal of Law and Health (1998)
* Read The Depressed Lawyer at: <http://www.psychologytoday.com/blog/therapy-matters/201105/the-depressed-lawyer>

**Dec. 1 Linkages between Pro Bono Work, Professional Responsibility and Leadership**

*How have you utilized this class to improve your SLPS Project, your clients and yourself? How has your understanding of pro bono, professional responsibility and leadership been transformed by this course? How has it affected your SLPS work?*

***Invited Speaker:*** **Christopher Edley**, Berkeley Law School

***Assignment:***

* No reading assigned.

**Memo 2 is due December 5 at Noon.**

* Please submit your memo on B-Space.
* In addition to your Berkeley Law evaluation of this course, we are interested in hearing from you regarding what worked for you in the class, what did not work, what we should work on, and what should be included in the course next year.
* Also, please address what you learned about yourself, your leadership style, and your approach to professional responsibility. Finally, please address how this course has helped you run your organization. We do appreciate your honest feedback.