

Memorandum from the Public Interest Law Faculty

TO: All Students
FROM: The Public Interest Committee
RE: Course Selection for Civil Public Interest Law

I INTRODUCTION

The practice of civil public interest law spans a wide variety of issue areas, client populations, and practice settings. From small direct-service nonprofits to large impact litigation agencies to government employment, civil public interest lawyers may find themselves working in practically any area of law.¹

The breadth of public interest work can make elective course selection a daunting task. And of course, it means that there is no “one size fits all” series of courses that will be equally useful or relevant to all future public interest practitioners. Thus, the purpose of this memorandum is to make course selection suggestions that will be the *most likely* to be useful to the *largest number* of future public interest lawyers. If you know that you will likely be working in a particular sub-specialty of public interest law, the faculty strongly encourages you to seek out individualized course selection counseling from a member of the faculty with substantive expertise in your future area of practice.

II SPECIAL PROGRAMS AND CLINICS

When our public interest alums were asked about the courses they’d taken that had helped them the most in practice, they almost unanimously mentioned clinics and other experiential learning opportunities. Public interest practice tends to throw you into the real world headfirst, so you can benefit tremendously from any programs that expose you to real clients, or at least stories about fake clients that seem real. Thus, our advice is to consider the following opportunities:

Public Interest-Focused Clinics: All of Temple’s in-house clinics, all clinics offered through the Sheller Center, and many external clinics will provide you with the invaluable experience of dealing with real people and real cases, while learning from some of the best public interest practitioners in the area. Pick a clinic that has a good track record of supervision, and deals with a client population or issue area that interests you. See the Appendix for a list of Temple’s public-interest-focused clinical offerings.

Practicums: If you would like to gain experience working at a particular office that is not currently a Temple Law external clinical, the Practicum program is a perfect way to do that. You work for a set number of hours, and then regularly meet with a Temple

¹ This memo is intended to provide course selection advice for students wishing to practice public interest law in the civil law setting. Students interested in public interest careers in criminal law are encouraged to review the extensive recommendations developed by the criminal law faculty.

professor who will review your work and discuss your experience with you. You receive course credit for a Practicum.

Integrated Trial Advocacy Program (ITAP): Temple's Trial Ad program is highly regarded. Many alums report that they believe that when they first began practicing, their ITAP experience gave them an advantage over recent graduates from other law schools. Be aware that the program takes up a lot of credit hours and can occasionally impede your freedom to sign up for other courses. If you're unsure about whether to sign up for ITAP, talk over your goals with a faculty mentor.

Sheller Center: The Sheller Center's Social Justice Lawyering Clinic presents a unique opportunity to gain hands-on experience in both direct legal service work as well as social justice advocacy within one clinic. Students represent individual clients, managing all aspects of casework for clients. Students in the clinic also participate in an advocacy project that focuses on a more systemic issue, in conjunction with community based organizations or legal nonprofits in the Philadelphia area. The project might involve community education, policy analysis, or legislative reform. The Sheller Center Clinic provides invaluable experience in a broad range of lawyering skills.

Law & Public Policy Program: This program offers Temple Law students an invaluable opportunity to intern over a summer at a nonprofit or government placement in Washington, D.C., and also includes public policy courses and seminars.

Temple Summer Professional Experience Curriculum (T-SPEC): This program offers students an opportunity to work in a summer internship while also taking a weekly class that explores issues of professional development and identity.

III COURSES ABOUT PROCEDURE

Public interest practice is both exciting and challenging because you are often thrown into litigation at the deep end. It is likely that in your first year of practice, you will be expected to handle simple litigation matters yourself, with a minimum of training. As a consequence, we advise you to take some kind of procedure-focused course beyond first year Civ Pro. Temple offers a variety of courses that fit the bill, some of which actually involve the drafting of pleadings and motions. These courses include:

Advanced Legal Writing: Effective Motions Practice in Civil Litigation: Utilizing one fact pattern, students will learn the purpose of - and how to effectively draft - significant motions as a case is prepared for trial. This writing seminar is designed to provide an in-depth understanding of the primary pre-trial motions used during the course of civil litigation. Both Pennsylvania Rules of Civil Procedure and local procedural rules governing motions practice will be examined.

Civil Procedure II: The litigation process from the pleading stage through appellate review is thoroughly studied. Areas covered in detail include: pleading, complex multi-party litigation (class actions, necessary parties, inter-pleader, intervention, multi-district

litigation); discovery practice; pre-trial conference; trial and post-trial procedures; fundamentals of appellate review, securing and enforcing judgments; and problems of judicial administration. (Trial Ad I and Integrated Evidence are prerequisites; Trial Ad II is a co-requisite.) (This course is sometimes offered as a writing seminar with no prerequisites.)

Evidence: An examination of the rules governing the use of evidence, including problems of relevancy, hearsay, impeachment, burden of proof, presumptions and the function of judge and jury.

Federal Courts and Jurisdiction: This course analyzes the constitutional and statutory contours of procedure and jurisdiction in the United States courts. Course materials address the role of federal courts in protecting federal rights and supervising state governments. Students interested in impact litigation in the federal courts could benefit from this course, which provides students with an understanding of how cases get into federal court.

Legal Research and Writing III: Civil Litigation: Students will learn about, and produce, work product in four broad categories of communications: (1) drafting to the client; (2) drafting to opposing counsel; (3) drafting to a demanding supervising partner; and (4) drafting to the Court. These categories will be discussed in chronological order, from initial pleading through post-trial proceedings, so that students will obtain a sense of the life of a litigation file. (Evidence, Intro to Trial Ad/Trial Ad I and II are prerequisites.)

Pennsylvania Civil Procedure: This course will provide students with a firm foundation in the procedures followed in the litigation of civil disputes in Pennsylvania state courts. The significant differences between the Pennsylvania and the Federal Rules of Civil Procedure will be examined. (Civil Procedure I is a prerequisite.)

IV DOCTRINAL COURSES

As we've already noted, it's almost impossible to suggest a schedule of doctrinal courses that will cover all of the bases of public interest practice. We recommend that you take some courses in any substantive issue area in which you're interested. A list of public interest-focused courses is attached to this document. However, we encourage you not to over-specialize. You may find that after you've taken a couple of courses in a given area, the material begins to become repetitive. In addition, you can't be completely assured that you will spend your entire career practicing any specific type of law.

Therefore, we recommend that you consider supplementing your interest-specific courses with these courses. Some of these courses will give you theoretical or doctrinal grounding for your future public interest practice. Others, while less obviously connected to public interest practice, will provide you with knowledge that can be applied across a wide array of issue areas.

Access to Justice in Civil Matters: This seminar will explore the extent to which the American legal system provides access to civil justice for people of low and moderate means.

Administrative Law: A study of the process of lawmaking and law application by the executive departments and agencies of government and their control by the legislature and the courts.

Administrative law has consistently been identified by public interest alumni as one of the “courses they wish they’d known they’d need.” Although it’s not apparent from the course description, lawyers who work with the poor really need this course. The reason is that most public benefits programs (Medicare/Medicaid, SSI, SSDI) are controlled by state and federal agencies, and are governed by administrative law, so poor clients interact with administrative law on a consistent basis.

Business Basics for Lawyers: This course introduces basic business, economic and finance concepts and issues. The course aims to provide students with the basic concepts necessary for such foundational courses as corporations, unincorporated business entities, taxation, antitrust, securities, bankruptcy and real estate transactions.

Many public interest-minded students are reluctant to take a business law class. However, a foundational understanding of basic business concepts can be incredibly useful in areas such as family law and community economic development, and can also assist an attorney considering opening a small firm or solo practice. Additionally, students who are considering careers as consumer or bankruptcy lawyers should consider taking additional business-focused courses like **Consumer Law, Corporations, Secured Transactions, and Bankruptcy**.

Introduction to Public Interest Law: This seminar is designed to explore major lawyering issues confronting public interest lawyers in a variety of practice areas.

Legislation and Public Policy: Through actual case studies, this serial writing seminar explores how legislatures translate controversial public policies (such as nondiscrimination laws) into specific legislation. Students who are interested in working in the policy reform arena should consider this course in order to develop an understanding of the process of lawmaking and the canons of statutory construction. If you’re going to try to change laws through the legislative process, this course may prove helpful.

Nonprofit Organizations: This course will introduce students to the law governing nonprofit organizations, focusing on charitable entities, examining both tax and non-tax issues raised by the nonprofit sector. Students interested in one day becoming nonprofit leaders would benefit from developing an understanding of the law governing these entities. (Corporations and Taxation are prerequisites.)

Political and Civil Rights: Civil rights and individual freedoms under the First and Fourteenth Amendments are examined in this writing seminar. Topics include Congressional enforcement of the Civil War Amendments, racial discrimination in schools, housing and employment, sex discrimination, national security, libel, obscenity, access to the media, government surveillance and the right of privacy. This course will afford you with an expanded understanding of the ways in which the Constitution can be leveraged on behalf of a wide array of clients facing inequality or a loss of civil rights and liberties.

Poverty Law: The learning goals of this class are for students to 1) gain an understanding of poverty law and policy; and 2) think strategically about ways that law can address the needs of the poor. First, students will study what poverty looks like in the US and how law addresses the needs of the poor and otherwise affects them. Second, students will consider what policy and litigation strategies are being tried presently to alter how things currently are and think about others that could be used.

Spanish for Lawyers: The purpose of this course is to give the Spanish speaking lawyer or law student a brief introduction to, and the ability to increase their familiarity with, legal terms in Spanish. Students will be exposed to these terms in the context of the substantive civil law in which they are utilized.

APPENDIX

Doctrinal Courses Relevant to Public Interest Practice

Access to Justice in Civil Matters
Animal Law
Bankruptcy
Citizenship, Immigration and Refugee Law
Consumer Law and Litigation
Corporations
Custody Law
Death Penalty
Developing Children's Rights
Domestic Violence
Election Law
Emerging Trends in Labor Law
Employment Discrimination
Employment Law
Environmental Law
Families in Law and Public Policy
Family Law
Family Law Litigation Seminar
First Amendment
Immigration Law

International Development Law and Policy
International Law and Public Health
International Protection of Human Rights
Introduction to Public Interest Law
Labor Law
Land Use Planning
Law and Aging
Law and Public Policy
Law and Public Policy II
Low Income Taxpayer Policy & Practice
Parents, Children and the State
Post-Conflict and Transitional Justice
Poverty Law
Refugee Law and Policy
Secured Transactions
Sexual Orientation, Gender Identity and the Law
Social Justice Lawyering Seminar
Social Legislation: Law and the Elderly

Clinical Courses Relevant to Public Interest Practice

American Red Cross: Southeastern PA Disaster Relief
City Solicitor: Claims Litigation
Consumer Bankruptcy Assistance Project
Elderly Law Project
Environmental Law-Delaware Riverkeeper Network
Mediation Advocacy & Practice
Medical-Legal Partnership Clinical Program
Pennsylvania Innocence Project
Philadelphia Housing Court
Sexual Orientation and Gender Identity Law Practice
Sheller Center: Social Justice Lawyering Clinic
Small Claims Mediation
Temple Legal Aid Office: Community Lawyering
Temple Legal Aid Office: Advanced Clinical Intensive: Community Lawyering
Temple Legal Aid Office: Family Law Litigation
Temple Legal Aid Office: Advanced Family Law Litigation