

MITCHELL HAMLINE SCHOOL OF LAW

Health Law Externship and Health Law Residency

Spring 2016

Professor Thaddeus Mason Pope

Residency Time:	Until March 14: Mondays from 4:00 to 5:55 After March 14: Tuesdays from 4:00 to 5:55
Externship Time:	Selected Tuesdays from 4:00 to 5:55
Place:	MHSL 331
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I. Course Description

Externships and Residencies give law students the opportunity to engage in meaningful legal work under the close supervision of practicing attorneys (as well as compliance officers, risk managers, and other legal professionals). This course focuses on Externships and Residencies in health law and healthcare compliance.

In the 2015-16 academic year, students are working for a wide range of companies.

- **Government** placements include the U.S. Attorney for the District of Minnesota (Healthcare Fraud Unit) and the Minnesota Department of Human Services (multiple departments).
- **Law Firm** placements include Fredrikson & Byron, Friedmann Foarde, JurisHealth, and Scheller Legal Solutions.
- **Hospital & Provider** placements include Children's Hospitals & Clinics of Minnesota, HealthPartners, and M-Health Physicians.
- **Device & Equipment Manufacturer** placements include CryoLife, EcoLab, and Vital Images.

- **Other** placements include Novu and the Public Health Law Center.

Your placement should have been finalized before the start of the semester. You will spend most of your time and effort working for your Field Placement. This syllabus addresses only the classroom component of the Externship /Residency.

II. Course Objectives

Given the wide range of Field Placements, students have varying experiences in the health law Externship/Residency. But core course objectives include:

- Apply your classroom learning, especially that pertaining to health law, to the real world of practice.
- Improve your problem-solving skills and become more self-confident in the work setting.
- Explore your career interests by gaining real-world exposure to different types of legal work and work environments.
- Improve your prospects for employment by networking, by getting references, and by gaining a recognized credential.

In particular, core course objectives include developing and/or honing some or all of ten fundamental lawyering skills:

1. **Problem Solving:** A lawyer must be able to develop and evaluate strategies for solving a problem or accomplishing an objective.
2. **Legal Analysis:** A lawyer must be able to analyze and apply legal rules and principles.
3. **Legal Research:** A lawyer must be able to identify legal issues and research them thoroughly and efficiently.
4. **Factual Research:** A lawyer must be able to plan, direct, and (where applicable) participate in factual investigation.
5. **Communication:** A lawyer must be able to communicate effectively, whether orally or in writing.
6. **Client Counseling:** A lawyer must be able to counsel clients about decisions or courses of action.
7. **Negotiation:** A lawyer must be able to negotiate in either a dispute-resolution or transactional context.
8. **Strategic Planning:** A lawyer must understand the potential functions and consequences of litigation and alternative dispute resolution.
9. **Organization and Management of Work:** A lawyer must be familiar with the skills and concepts required for efficient management.
10. **Ethical Analysis and Conduct:** A lawyer must follow ethical standards when representing clients.

III. Prerequisites for Residency

1. Currently, there are no specific prerequisites for the Legal Residency Program. Due to the intensity of the workload, applicants should be in their final year of law school and should have demonstrated interest and prior course work in the substantive area of the Legal Residency. Residents will be engaged in substantive legal work during the semester, and a basis of doctrinal knowledge and legal skills will be necessary to be a successful Resident.
2. If a student needs 11 or fewer credits to graduate, the Legal Residency can be the student's only course for the semester. Alternatively, if a student has an additional class necessary for graduation, or a pre-existing commitment such as law review or moot court, the student may take those credits in addition to the Residency. Students selected for the Residency, however, should expect that the Residency will constitute a significant amount of work during the semester.
3. Applications for the spring will be available during fall semester and will be due prior to spring registration. Final decisions will be made prior to registration for spring classes.
4. Note that the ABA places a limit of 19 credit hours of non-classroom instruction that can be awarded toward your J.D. Non-classroom instruction includes competitions, law review, independent research projects, field placements, credits earned at another institution, and some study abroad experiences. The 2-credit Residency Program Seminar will count as classroom credits. The 8-11 credits for the Residency Placement will count as non-classroom instruction.

IV. Mentor Meetings

1. If you have not done so prior to the start of the semester, you are expected to meet with your mentor no later than January 30, 2016. Please email me after you have had this initial meeting. The objectives of this meeting are to:
 - a. Properly introduce yourself
 - b. Discuss academic expectations of the Health Law Externship / Residency
 - c. Develop a preliminary schedule for your work hours
 - d. Answer any questions that your mentor may have about the Externship / Residency
 - e. Articulate several specific experiences that you hope to have during your externship
2. Prior to the end of the semester you are expected to formally thank your mentor through a personal letter of appreciation.

V. Readings & Written Assignments

1. This syllabus is for ONLY the classroom component of your Externship/Residency. You must complete all assignments for your Attorney Mentor. That is the primary focus of the Externship / Residency and will consume most of the time that correlates to the number of credits for which you are taking this Externship/Residency.
2. In addition to work for your Attorney Mentor, you must also complete assignments from the Externship/Residency law faculty supervisor (Professor Pope).
3. This is not a heavy reading course; however, every student will be responsible for a general appreciation of the *ABA Model Rules of Professional Conduct* concerning confidentiality and conflicts of interest. Other readings and assignments for classroom meetings will be distributed.

VI. Assessment

1. **Externship:** No letter grade is given for the classroom component. But attendance and submission of written assignments is required for credit. The Field Placement is evaluated on a pass/fail basis. I will seek both written and in-person feedback from the Field Placement supervisors.
2. **Residency:** The classroom component is a separately graded two-credit seminar that is distinct from the Field Placement which is worth 8 to 13 credits. The Field Placement is evaluated on a pass/fail basis. I will seek both written and in-person feedback from the Field Placement supervisors.
3. I will provide feedback on your written submissions and on your contributions in the classroom discussions.

VII. Residency Class Schedule

1. The Residency will meet on *Mondays* from 4:00 to 5:55 until March 14, 2016.
2. After March 14, 2016, the Residency will meet on *Tuesdays* from 4:00 to 5:55. Some of these sessions will be with the Health Law Externship students. Other sessions will be with the law students in other Residencies (*i.e.* criminal law, family law).

3. Classroom meetings are devoted to discussing student experiences while working with the Field Placement organizations, and the discussion of issues relating to health law in general. Each meeting, students will be expected to reflect on an issue addressed in the Residency setting. Additionally, each student will be expected to make a brief presentation on a health related issue identified in the field.

VIII. Externship Class Schedule

1. This course will meet *as a whole* only four times: January 26, March 29, April 5, April 12.
2. In addition, you must also meet *at least twice*, one-on-one, with Professor Pope. One meeting should be in the first five weeks of the semester. The other one should be in the last five weeks of the semester.
3. In between these six meetings, Professor Pope will respond to your time sheets and journal reflections. He will also send comments on your resume, LinkedIn pages, and other career documents.

IX. Timesheets

1. You must keep track of all the hours that you spend on work at and/or for your Field Placement.
2. The law school will provide a link for you to log these hours with descriptions. Please be as descriptive as possible being mindful of the need to protect confidential, private, privileged, and other protected information.

X. Oral Presentations

1. During the final few sessions of the semester, each student must make a presentation to the class.
2. Duration
 - a. Please design your presentation to be completed within **fifteen (15) minutes**.
3. Content
 - a. The presentation should be roughly equally divided between (a) describing the company and workplace and (b) describing the nature of the work that you performed.
 - b. You may focus on any aspect of your externship. You can summarize the experience as a whole or describe just one particularly interesting project.

4. Format

- a. This is hardly a comprehensive guide to preparing and making an oral presentation. It is merely an outline of some of the key tips offered in some of the standard literature.
- b. I will also post some useful materials on the Blackboard site.
- c. Preparation
 - i. Practice aloud.
 1. Read at least practice the first paragraph aloud several times, so you can start strong. Know precisely what you are going to say for the first minute of your presentation. Almost as important: know exactly how you will end.
 2. Practice on your feet to coordinate body, brain, and voice
 3. Time yourself, so you know that you will stick to the 10 minutes.
 - ii. Use as few notes as possible.
 1. Use bullet points to trigger thoughts.
 2. Write big and keep notes where they are easy to see. If you are using a script, print it in at least a 14-point font
 3. Anticipate likely questions and have clear, concise answers ready. e.g. "I'm glad you asked that..."
 - iii. Delivery
 1. Mark your script/notes for pacing and pauses. Pauses are okay. They give you time to think and the audience time to absorb.
 2. Speak in phrases, not whole sentences.
 - a. Use the rhythm of the Pledge of Allegiance: e.g. "I pledge allegiance . . . to the flag . . . of the United....."
 - b. Vary the pace. Speak in phrases on important points. Speak more briskly for preliminary information.
 - c. Emphasize.
 - i. Put emphatic stress on all the key words in every sentence.
 - ii. Lower the vocal pitch (not volume) when ending sentences. This makes you sound confident and conclusive.
 - iv. Visual counts the most.
 1. A speaker's believability is affected by three components. Verbal (the content of our message) counts for 7%. Vocal (sound, pitch, tone, pacing of our voice) counts for 38%. Visual (gestures, facial expression, eye contact) counts for 55%.
 2. Stand when speaking. It increases your energy level and keeps the audience more alert.
 3. A listener's ability to comprehend and retain information increases substantially with the use of visual aids.

v. Physical performance

1. Take a deep breath before you begin.
2. Maintain eye contact with each listener for 3-5 seconds.
3. Smile.
4. Lean forward. It says “I’m interested” “Tell me more.”

vi. Clarity

1. Lay out the structure of your presentation for the listeners. Let listeners know why the topic is important. Why should they listen to you?
2. Repetition is good. Tell them what you are going to tell them. Tell them. Then tell them what you’ve told them.
3. Shrink and simplify. Boil the presentation down to 3 main points. State the 3 points at the beginning and repeat them at the end.
4. Use vibrant images, metaphors, analogies, examples. A long narrative with no examples becomes boring and confusing. Try to include at least one example to illustrate each main point.
5. Use focus phrases. e.g. “The bottom line is...” “The threshold question is...” These phrases focus the mind of the listener.
6. Use transition phrases (e.g. “Now that we have analyzed the problem, let’s look at possible solutions...”)