

# EXPERIENTIAL SKILLS (EXPSK)

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## EXPSK 901: Advanced Appellate Advocacy

2 Credits

The primary goal of this course is to prepare students to be effective appellate lawyers, in any practice setting as well as in moot court competitions. This upper-level advanced skills course focuses on appellate theory, standard of review, advanced appellate brief writing, and the art of appellate oral argument. The course is designed to build upon the legal research and writing skills learned in the 1L curriculum; to hone and refine writing, research, and oral advocacy skills; and to develop the judgment necessary to be exceptional appellate advocates. Students will work with a partner to prepare a simulated appeal, and will be responsible for analyzing a record on appeal, developing core themes, telling a persuasive story, crafting persuasive arguments, and presenting those stories and arguments in both an appellate brief and in an oral argument. Student work will culminate in a final appellate brief and a series of oral arguments.

## EXPSK 902: Advocacy I (Trial Advocacy)

4 Credits

This course introduces the fundamental skills of trial advocacy applicable in civil and criminal trials in any jurisdiction. In keeping with the theory that trial advocacy is best learned by "doing," each student will conduct written and oral exercises concerning the various stages of the trial process—pleadings, pretrial motions, discovery, settlement negotiations, trial preparation, jury selection, opening statements, direct and cross examination of lay witnesses, examination of expert witnesses, trial motions, and closing arguments. Students are able to evaluate their own progress through viewing videotapes of their performances. The class meets jointly for lectures, while the oral trial exercises are conducted in small sections.

**CONCURRENT:** BAR 911

## EXPSK 903: Advocacy II (Advanced Trial Advocacy)

3 Credits

Every week the entire class meets for a lecture and demonstration session, and also breaks into small group courtroom section meetings during which every student will present a trial exercise. The goals of the course are 1) to improve confidence in public speaking, 2) to learn how to prepare documents that conform to multiple sources of rules, and 3) to implement the unique protocol for factual, as opposed to legal, persuasion.

**Prerequisite:** EXPSK 902

## EXPSK 904: Client Counseling

2 Credits

This course introduces students to the dynamics of a productive attorney-client relationship, the goals of interviewing and counseling, and structures and techniques that can be used to achieve those goals. The focus is on developing students' skills in interviewing and counseling.

Instruction consists of assigned reading, problem-solving exercises, group discussion, and practice through simulations.

## EXPSK 905: Death Penalty Practice

3 Credits

This course examines the death penalty from a trial lawyer's perspective. Three main topics will be featured with an in-depth examination of death as the "ultimate punishment"; the relevant constitutional provisions and death-penalty case law; the theoretical research associated with the cost, demographics, and imposition of the death penalty; and the death-penalty trial strategy, from the initial notice of intent to seek the death penalty to the final appeal. Students will engage in mock trial exercises to simulate the lawyer's decision-making process in a capital murder trial.

## EXPSK 906: Negotiation/Mediation

2-3 Credits

Negotiation/Mediation combines the law and ethics of negotiation, mediation and settlement with economic and psychological bargaining theory and regular hands-on practice in representing clients in negotiation and mediation. Bargaining theory (including distributive and integrative bargaining), relevant socio-psychological research, negotiation and mediation ethics, the law of settlement, and the basics of contract drafting are all introduced. Instruction consists of assigned reading, a series of simulations and exercises (including drafting a resulting contract), written negotiation planning and self-evaluation, feedback, and group discussion. The course also may involve participation in a full-day Saturday program, and students should be prepared to experiment with various means to maximize their facility in using videoconferencing and other technologies to negotiate and represent clients in mediation.

## EXPSK 907: Strategic Legal Research

3 Credits

This course emphasizes the development of effective legal research strategies that take into account choice of format (e.g., the relative advantages and disadvantages of print and electronic sources), cost/benefit analysis of format choice, evolving approaches by law firms and private practitioners to billable research hours, use of computerized tools to organize research results, and presentation of research results to case supervisors. Course content will be presented in a hybrid format consisting of two hours per week of in-class meetings with the remaining credit to be completed by coursework outside scheduled class time through online and written assignments.

## EXPSK 908: Transactional Writing and Drafting

3 Credits

This course is designed to introduce students to the techniques and best practices involved in general writing and operative document creation in a transactional law practice. The course involves a series of written exercises completed against the background of readings and lectures describing best practices in written communication and operative document creation.

## EXPSK 909: Entrepreneurship Law: Company Creation

3 Credits

Students survey the legal issues confronted by entrepreneurs and develop the practical skills to effectively and ethically represent them.

## 2 *Experiential Skills (EXPSK)*

Students study how to interview, counsel, plan, draft, and negotiate, by critiquing relevant readings and putting this to use in the context of client interactions and classroom simulations. Students also will draft relevant client correspondence and memoranda typical of those that surface in small business and entrepreneur representation.

### EXPSK 910: Entrepreneurship Law: Operational Issues

#### 3 Credits

Students will learn about problems that entrepreneurs and small businesses encounter during the operation of the business. Topics include: Legally hiring and firing employees; employee privacy; governmental intervention and compliance; handling governmental agency issues (IRS, SEC, DoL, etc.); business expansion; cessation of a business; business divorce and transition planning. The course will provide practical experience for students who wish to represent entrepreneurs or become transactional attorneys. Practical assignments are designed to allow students to identify relevant issues and draft documents resolving those issues. This course is strongly recommended for anyone who plans to represent entrepreneurs and small businesses.

### EXPSK 911: Real Estate Negotiation & Drafting

#### 3 Credits

This course covers transactional drafting techniques for any commercial matter, and negotiation exercises useful in all legal settings. It then addresses the structure and law of real estate transactions, including agreements of sale, title and survey matters, leasing, financing, easements, and development rights.

### EXPSK 912: Medical Malpractice Workshop

#### 2 Credits

The Medical Legal Colloquium is a simulation-based course focused on the law of medical negligence. During the semester, students prepare for and participate in two abridged mock trials involving medical residents from Penn State Hershey Medical Center. Law students work in teams to develop their theory of the case, meet with medical residents to refine their understanding of medical terminology and concepts, and prepare the medical residents to testify as defendants and expert witnesses before a live jury. Class sessions and readings cover the law of medical negligence, trial advocacy in the medical malpractice context, and ideas for reforming the medical malpractice system.

### EXPSK 913: Health Care Innovation & Entrepreneurship

#### 2-3 Credits

Innovation in the health care industry is both impeded and fueled by a complex matrix of legal institutions and rules governing every step of an innovation's path from bench to bedside. This course will be divided into two segments. In the six-week legal foundations segment, students will be given a functional understanding of the legal issues relevant to innovation and entrepreneurship in health care. In the eight-week case studies and practicum segment, students will confront a different case study each week, discussing legal obstacles and opportunities and charting a path forward.