
M E M O R A N D U M

DATE: December 23, 2004
TO: Selected Topics in Professional Responsibility Seminar Students
FROM: Professor Marjorie A. Silver
RE: Course Information on “Lawyering as a Happy, Healthy, Healing and Ethical Profession”

I am so pleased that you have chosen to join this course, one guaranteed to be unlike any other you have taken in law school. This course is about finding a life in the law that is personally and professionally satisfying for the lawyer and helpful, healing and therapeutic for the client. The ultimate goal of the course is for each of you to develop a vision of your own career in the law, one that will fit with your value system, meet your life goals, and enable you to find “Joy and Satisfaction in the Legal Life.”¹

I am writing to you at the end of your exam period for three reasons: (1) to help you anticipate your experience in this seminar; (2) to explain what its rules will be; and (3) to suggest some preparatory reading for you to do over break.

COURSE REQUIREMENTS

1. Prerequisites: Professional Responsibility is a prerequisite. If you have not taken it, you will need my permission to participate in the seminar.
2. Readings: There are three required (paperback) books for this course:
 - STEVEN KEEVA, TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE (paperback 1999).
 - CARL HORN III, LAWYERLIFE: FINDING A LIFE AND A HIGHER CALLING IN THE PRACTICE OF Law (paperback 2003).
 - DENNIS P. STOLLE, DAVID B. WEXLER, BRUCE J. WINICK, PRACTICING THERAPEUTIC JURISPRUDENCE: LAW AS A HELPING PROFESSION 5 (paperback 2000).

Additional written materials that I am compiling will be available in the bookstore before our first class on Monday, January 24th and will supplement these readings. As the semester progresses, the interests of the members of the seminar will suggest other readings. ***I urge you to make time over break to read through both Keeva and Horn. You should find them***

¹ STEVEN KEEVA, TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE (2002).

both easy, quick and enjoyable reads that will get you in a good frame of mind for the journey ahead!

3. **Papers & Projects:** Each of you will write a paper or create a project on an approved topic. Topics may be taken from the list below, but this list is not exclusive. Any topic related to the themes of this seminar is likely to be acceptable, and as you read Keeva's and Horn's books, you might begin to think about whether there is anything in there that piques your interest. In addition to the required approved topic, outline & tentative bibliography, and final paper,² everyone will have a choice of whether to do a polished draft. Please let me know whether you will do so in writing no later than the due date for your outline. If you do a draft, it will count for half of your grade on the paper. Also, please let me know in writing by the same date if you are planning to fulfill your upper level writing requirement with this paper. If so, you need to provide me with the writing requirement form. Also, if this is for your writing requirement, you must do a draft.

Proposed schedule:³

<u>Item</u>	<u>Due Date</u>
1) Approved paper topics (and, preferably, tentative thesis); plans for collaboration (see below)	2/7
2) Outline & tentative bibliography, whether for writing requirement, and whether you will do draft; choice of editors (if not collaborating on project)	3/7
3) Rewrite of outline (if necessary)	3/21
4) Polished draft (if any)	4/11
5) Final paper	5/2
6) Memo (2-3 pages) evaluating collaboration process	5/5
4. <u>Class Presentation:</u> You have responsibility for conducting part of a class on the topic of your choice sometime during the semester. The topic may be related to your paper or project, but it doesn't necessarily need to be. This class should be interactive, generate participation, and may take any form that you wish, including inviting outside experts. We will plan that together. You will also be responsible for assigning appropriate readings--whether from our course materials, the lengthy bibliography I will post on the course's	

² If you choose to create a project instead, then the same requirements will not apply to you. You will have to have the project approved by February 7th, and then together we will discuss a reasonable schedule for implementation.

³ The workability of this schedule is something we can discuss when we meet on January 24th.

TWEN⁴ page,⁵ or any other appropriate materials --for the class to read in advance of your presentation. I will help you choose, if you wish. I will also take care of any necessary duplicating if the materials are provided to me at least two weeks before your presentation. Assignments must be available for class at the class preceding your presentation.

Tentative schedule for presentations: 2/22⁶-4/18.

5. Collaboration and Editors: You may choose to do the paper, project and the presentation individually, or you may do them with another member of the seminar. For those of you who are writing the paper to fulfill the upper level writing requirement, you must work alone. For those of you who do work alone, you will nonetheless serve as an editor/sounding board to someone else in the seminar, and someone will perform the same function for you. This will serve several purposes:

- * Enable you to develop secondary expertise
- * Afford each of you someone with whom you can bounce around your ideas, receive constructive criticism of your draft, etc.
- * Insure dialogue for individual presentations
- * Practice collaboration skills

You may decide among you who will serve as your editor, based on your interests in one another's projects. It is not necessary that if A is B's editor, that B must be A's, although that is permissible. You should inform me of who your editor is no later than March 7th. If you need assistance, please let me know.

6. Journaling: One of the best methods for enhancing your educational experience is through reflective journaling. You will be required to keep a reflective journal. As there are various choices we can make about sharing our journals, such decisions will await further discussion among us.
7. Participation: Participation is a *requirement* of this seminar. I recognize that many students are uncomfortable speaking in class. I am confident that both the subject matter of this seminar, and the students who have self-selected to participate, will help create an atmosphere where we all feel comfortable talking with one another. I hope that we all will feel safe to discuss ourselves as students (or, in my case, as teacher), aspiring lawyers, and as human beings with lives and interests within and without our career choices, as well as able to discuss the readings that will help inform the lawyers and persons we will become. We will thus be able to learn a great deal from each other.

⁴ TWEN refers to The West Education Network. It is a virtual classroom that allows us to communicate with one another via the internet. For those of you not already familiar with TWEN, Associate Director of the library, Beth Mobley, will be happy to train you on how to use it.

⁵ This bibliography is a work in progress. While already over four pages long, it doesn't nearly exhaust all of the interesting material being produced on alternative ways to practice law. It is my sincere hope that all of you will help it to continue to grow as you discover and share new, interesting readings.

⁶ This Tuesday is a legislative Monday. The real Monday is President's Day and school is closed.

8. Professionalism: This responsibility includes attendance, promptness, preparation, meeting deadlines, and advance consultation of problems with same. It also means you have a voice in suggesting alternatives to deadlines, requirements, etc. We will reserve some time each week for discussion of these issues.

GRADES

Unless otherwise agreed, you will be graded based on your paper or project (35%), your presentation (20%), your journals (10%), your general participation (20%), and your professionalism (15%). Keep in mind that there is no mandatory curve for this seminar, so that each of you has the potential of getting an “A” for the course.

INDIVIDUAL MEETINGS

I am always happy to meet with anyone who wants to, as well as when I think it necessary. Otherwise, I will give you written feedback at each juncture of the process. My office is 211A, ext. #366, hm phone (212) 475-9724; email: msilver345@hotmail.com.

ASSIGNMENTS

I will give you reading assignments each Monday for the following week, and I will also post them on TWEN. In addition to the reading, you may be required to participate in some exercises both in and outside of class.

TOPICS

Here is a tentative list of topics we will cover in this course:

- Distress, Alcoholism, Substance Abuse, Depression and the Profession.
- The Comprehensive Law Movement: Therapeutic Jurisprudence, Preventive Lawyering, Holistic Justice, Creative Problem-solving & others.
- Psychological-mindedness: understanding transference, countertransference, denial, resistance, shame, and anger.
- Cross-culturalism: awareness of sameness and difference, uncovering unconscious bias.
- Alternatives to adversarial dispute resolution: civil and criminal.
 - Problem-solving Courts.
 - Restorative Justice.
 - Alternatives to Litigated Dispute Resolution.
 - Collaborative dispute resolution.
 - Transformative and problem-solving mediation.
 - Alternatives to traditional remedies: apology & forgiveness.
- Self-Care: Stress, Burnout, and Vicarious Trauma.

Prof. Marjorie A. Silver

Seminar Mailing Spring 2005

- Spirituality, Religion and Humanism.
- Happiness & Good Work.
- Work/Life Balance.

OTHER: I welcome your ideas for the seminar including any outside speakers we might invite (I have a few in mind myself).

Meanwhile, Happy Holidays, have a wonderful break!

I look forward to seeing you in January!