General Practice Capstone
ABOTA Trial Practice Lecture Series:
Bringing the Practice into the Classroom

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UNIVERSITY OF ARKANSAS SCHOOL OF LAW
FAYETTEVILLE, ARKANSAS
Big Picture

1. Background

2. General Practice Capstone
   a. Courts of general jurisdiction
   b. Specialized (e.g., administrative; specialized courts)
   c. ABOTA Trial Practice Lecture Series

3. ABOTA Trial Practice Lecture Series

4. Thematic delivery; educating the presenters on how to present material to students

5. Problems; successes
Background

English/Journalism

Events Planner – Distinguished Lecture series

LRW 1990-1993 (Mercer); 1993-2012 (Arkansas)

Hybrid Teaching/Administrative role at Arkansas (2012-present)

- Capstone and ABOTA classes
- regional and internal advocacy competitions
- coaching/recruiting coaches for Trial, Client Advocacy (negotiations, client counseling, arbitration), Moot Court
Incentives and Entrance Points

No stipend
No travel expenses
No budget

“I am a lecture at the University of Arkansas”
Desire to be in a classroom

CLE Credit, mug, law school pen, candy

Former students; referrals; bar meetings; Inns of Court; surfing the law firms on the net.
Building the prototype: ABOTA
ABOTA Trial Practice Lecture Series

This course features a slate of seasoned trial attorneys and judges, all members of the American Board of Trial Advocates (ABOTA). ABOTA’s primary objective is to educate the American public about the history and value of the right to trial by jury. In this course, these experienced practitioners will use lectures and trial practice materials to help develop our next generation of trial attorneys and judges.

Created by the Arkansas Chapter of ABOTA and scheduled first thing Monday mornings to accommodate the trial dockets of its featured speakers, the series will cover a series of topics relevant to both pre-trial and trial practice, including such topics as:
The Evaluation of a Case
Preparation, Presentation and Argument on Jury Instructions
Preparation of witnesses
Pretrial Motions and Conferences; Scheduling Orders
Civility in the Courtroom; Dealing with Judges
Voir Dire
Opening Statement
Direct Examination of Witnesses
Cross-Examination of Witnesses
Making and Defending Objections
Presentation and Cross-Examination of Experts, with some treatment of the psychology of the expert witness
Closing Arguments
The Evaluation of a Case
Preparation, Presentation and Argument on Jury Instructions
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Pretrial Motions and Conferences; Scheduling Orders
Civility in the Courtroom; Dealing with Judges
Voir Dire
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Presentation and Cross-Examination of Experts, with some treatment of the psychology of the expert witness
Closing Arguments
General Practice Capstone I

General Practice Capstone

Wednesdays, 2:15-4:55, Room 324

LAWW 500(3), Section, Section 018, ISIS 6769

General Practice Capstone consists of two three-credit courses, one in the fall semester and the other in the spring, designed to provide students with practical information to help transition directly from law school to a general practice. Students may enroll in General Practice Capstone in either or both semesters. The School of Law’s Director of Capstone Courses will arrange for experienced practitioners to present a series of workshops on discrete practice areas and will administer an objective exam (short answer and multiple choice) during the finals period.

The fall semester will cover common areas of general practice, including domestic relations and family law, criminal defense, personal injury, landlord and tenant matters, traffic violations and alcohol related offenses, representation of creditors and debtors, advising small business entities, real estate transactions, basic estate planning and probate administration.
### Overview - Big Picture of Law Practice

**August 26, 2015**

- Hon. Timothy L. Brooks
- Hon. J. Michael Fitzhugh
- WH Taylor, Esq.
- Professor Don Judge, Interim Assoc. Vice Provost

- Jury Instructions and the Arkansas Supreme Court Committee on Model Civil Jury Instructions

### Business

**September 2, 2015**

- Matt Fyar
- Melissa Burton

- Collecting on Judgments
- Contested Guardianships

**September 9, 2015**

- Justin Eichmann
- Susan Fox

- Smallbusiness formalities
- Taking Down a Law Practice

**September 16, 2015**

- Drew Miller
- Sean Keith

- starting a law practice from scratch
- expert witnesses
- depositions

**September 23, 2015**

- Daniel Faulkner

- Employment Law – from the Attorney General’s Office perspective

**September 30, 2015**

- Lisa-Marie Norris

- Reverse Engineering: Appellate Work in Arkansas

### Litigation

**October 7, 2015**

- Steve Zega
- Robin Smith

- Basics of Divorce Law in the Small Practice
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Details</th>
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<tbody>
<tr>
<td>October 28, 2015</td>
<td><strong>Equal Employment Opportunity Commission Symposium with General Counsel P. David Lopez</strong>&lt;br&gt;(Dean Emeritus Cynthia Nance has invited us to participate)</td>
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<tr>
<td>November 4, 2015</td>
<td>• 1:30-4:30 p.m.&lt;br&gt;• Echo Recording will be available, starting at 1:30-4:30&lt;br&gt;• Capstone attendance will be maintained at CLE Desk&lt;br&gt;• Additional details about Capstone readings and attendance for October 28 will be posted as arrangements are finalized.</td>
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<td>November 11, 2015</td>
<td><strong>Arkansas Legal Clinic/Public Interest Externships</strong>&lt;br&gt;• Ethical Dilemmas of a Small Town Attorney&lt;br&gt;• Practice Management&lt;br&gt;• Criminal Defense Practice and Immigration Law Consequences</td>
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<td>November 18, 2015</td>
<td><strong>Room 324</strong>&lt;br&gt;• Deposition Practice</td>
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<td>November 25-27, 2015</td>
<td>Thanksgiving Break</td>
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<td>December 2, 2015</td>
<td><strong>Room 324</strong>&lt;br&gt;• Estate Planning Basics that Forestall Litigation&lt;br&gt;• Asset Division in Divorce</td>
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General Practice Capstone II

Spring Semester: General Practice Capstone II

The spring semester will cover more specialized areas, such as social security disability, elder law, employment litigation, foreclosure law, environmental law, commercial litigation, and immigration law. In the second semester, the practice topics will include matters before courts of limited jurisdiction, and representation of clients before administrative agencies. The format will be similar to the fall semester, with two segments to each class.

Courts of Limited Jurisdiction (workers compensation) (court of claims)

Agency proceedings

Social Security

Elder Law (buying down elder estate for Medicaid)

Employment Litigation

Environmental Law

Commercial Litigation

Immigration Law (Cisneros foundation, immigration attorney – cooperating individual)
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<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Speakers</th>
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<tr>
<td>January 15</td>
<td>University of Arkansas Office of the General Counsel</td>
<td>Bill Kinkaid, Tamala Lewis, Matt McCoy</td>
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<td>January 22</td>
<td>Divorce Toolkit, Insurance Law Toolkit</td>
<td>John Mikesch, Tim Myers</td>
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<td>January 29</td>
<td>Office of the Committee on Professional Conduct</td>
<td>Stark Lison, Michael Harmon, Charlene Fleetwood, Caroline Bednar</td>
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<td>February 5</td>
<td>Immigration overview/Northwest Arkansas, Specialized Consideration for Women in Immigrant Community</td>
<td>Donna Davis, Natalie King</td>
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<td>February 12</td>
<td>Worker's Compensation</td>
<td>Evelyn Brooks, Mike Mayton</td>
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<td>February 19</td>
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<td>(10)</td>
<td>March 18</td>
<td>• Social Security Disability</td>
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<tr>
<td>Mima Cazort</td>
<td>Meghan Gallo</td>
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<td>Spring Break</td>
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| (11) | April 1 | • Motion Practice  
| Steve Kay | Paul Reynolds | • Alcohol Beverage Commission |
| (12) | April 8 | • Medicaid Planning |
| Darlene Irwin | Lauren Adams |   |
| (13) | April 15 | • Deposition Practice |
| Vince Chadick |   |   |
| (14) | April 22 | • Exam Review  
| IDEA/504 & Due Process | • IDEA/504 & Due Process |
| Final Examination | Tuesday, May 10, 2016 (Secure ExamSoft: open book, open note)  
|   | upload your (14-page maximum) outline for the final exam to TWEN assignment drop box on or before 2 p.m. on Tuesday, May 10. |   |
Notes – Exam - Feedback

Multiple-Choice, True-False, Short Answer

ABOTA -- exam only
- two textbooks (first two years)
- no textbook (third year)
- lecturers helped draft exam first year
- lecturers solo-performance first year; tag team second; tag team third

General Practice Capstone –
- synthesized outline of notes; index to handout materials (first year)
- Daily submission of class notes (second year)

Echo Recordings of Each Class (opportunity for viewing vid
My Handwritten(and Typed) Notes distributed via Blackboard Learn
ABA Standards

Current ABA Standards
ABA Standards

Standard 301. OBJECTIVES OF PROGRAM OF LEGAL EDUCATION (a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession. (b) A law school shall establish and publish learning outcomes designed to achieve these objectives.
Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK
(a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework. (b) A “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time;

Interpretation 310-1 For purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction. An “hour” for out-of-class student work is sixty minutes.
What the ABA Requires

ABA Standard – 2 hours homework per credit hour
- 4 hours @ week on ABOTA
- 6 hours @ week on Capstone
What is Homework?
ABOTA?

McElhaney’s Trial Notebook

Pretrial Practice and Procedure (nutshell)
- ABOTA attorneys constrained by the reading
- Disbanded the book requirement

- Hiatus in 2014-2015; next offering Fall 2016
  - Under the ABA standards, will reintroduce the books, or articles on topic
Capstone

- CLE format (presenter does all the work)
- modified CLE format (students add weekly notes)
- engaged activity – out of class efforts
  - readings
  - And incentives to read
Readings

Hein on Line for Bar Journal Articles
Practice Treatises
Case Law
Rules of Evidence
Rules of Procedure
Incentives to Read

Blackboard LEARN
Statistical Measures
Enrollments and Projected Enrollments

ABOTA and GenCap Enrollments

- Spring 2013
- Fall 2013
- Spring 2014
- Fall 2014
- Spring 2015

Legend:
- ABOTA
- GenCap I
- GenCap II
General Practice Capstone I
Trial Practice – General

Wednesdays 2:15-5:00 p.m.
General Practice Capstone II
Administrative Law

2014/2015 Wednesdays 2:15-5  2016 Fridays 11:30-2:10

<table>
<thead>
<tr>
<th>Year</th>
<th>Series 1</th>
<th>Series 2</th>
<th>Series 3</th>
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<tbody>
<tr>
<td>2014</td>
<td>38</td>
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<tr>
<td>2015</td>
<td>28</td>
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<tr>
<td>2016</td>
<td>13</td>
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<td>2017</td>
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Issues to Highlight

- exam scheduling [ABOTA first; GenCap last]
- scheduling of class time (Wednesday late afternoon vs. Friday early afternoon)
- calibrating reading assignments
- journaling, guided journaling, quizzes
- buy-in from local bar
- faculty buy-in and take-out
  ◦ Guest speakers
  ◦ Class schedule
- knowing the students
- CLE
Thank you!

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