

**FUNDAMENTAL LAWYERING SKILLS
SPRING 2025 SYLLABUS & COURSE MEMO**

Fundamental Lawyering Skills (“FLS”) is an interactive course in which students learn the skills of client interviewing, client counseling, and negotiation through simulations and in-class exercises. You will “learn by doing” – assuming the role of lawyer and meeting with opposing counsel and clients who are portrayed by professional actors. The course also addresses problem solving in a legal context and the professional role and ethical obligations of lawyers. Learning occurs through assigned readings, demonstrations, discussions, in-class role plays, and four recorded simulations that require you to apply the skills you learn in class.

Please familiarize yourself thoroughly with this Course Memo and Syllabus and all components of your Blackboard page **before** your first class. You should continue to refer to them as necessary.

KEY PROGRAMMATIC INFORMATION

Faculty and staff	Program Director: Marta Ricardo mricardo1@fordham.edu Office: 9-03 917 647 6427 (text) Program Faculty Director: Ilene Strauss istrauss@fordham.edu Office: 8-117 Program Coordinator: Victor Galindez vgalindez@fordham.edu Office: 9-44 Contact information for individual faculty members can be found in Blackboard.
Textbook	<i>Essential Lawyering Skills</i> , by Krieger, Neumann and Hutchins, published by Wolters Kluwer. You may purchase either the 5th or 6th edition and use either a physical or digital version.
Course Materials	All other course materials will be posted on Blackboard. Confidential materials related to simulations will be emailed to you.

CLASS DATES & ATTENDANCE

Specific class dates vary depending on the day of the week your seminar meets. In some

weeks, there are no class meetings; the time is instead devoted to recording simulations and individual review meetings with faculty. The schedule of meeting times for all sections of the course is posted to Blackboard (“Class Dates Spring 2025”). If you have an academic conflict or are ill during your scheduled class session, you should attend another live course meeting. Please email the faculty member whose class you plan to attend, copying your professor.

On-time attendance in class and at simulations is mandatory. It is essential that you follow all instructions, meet established deadlines, and be on time for classes and recorded simulations. If you are late for class or a simulation recording, it will affect other students, actors, and/or the law school administration.

GRADING

Grades are based on a combination of (i) class participation (30%) and (ii) simulations (70%).

Class participation expectations: For this class, class participation means more than simply speaking in class. All students are expected to:

- Engage in class in a consistent and meaningful manner;
- Participate in a way that demonstrates review and understanding of the assigned materials;
- Prepare for and voluntary participation in role plays;
- Effectively communicate feedback on their own work and the work of their peers; and
- Attend class on time every week.

Simulations

You will each complete four graded simulations. The logistics of signing up for, completing, and viewing your simulations are described in **Appendix A. You must read this information in order to complete the simulations properly.** Each simulation is weighted as follows:

Simulation I	10%
Simulation II	15%
Simulation III	20%
Simulation IV	25%

For each simulation, your grade will be based on a combination of (i) planning and preparation (ii) performance; and (iii) self-evaluation (or memo to file). Additional assessment criteria is set out in **Appendix B.**

Expectations in connection with the recorded simulations are as follows:

- Thorough preparation and planning;
- Familiarity with all assigned materials, as reflected in the performance and written submissions;
- Effective collaboration, when applicable (Simulations I & II);
- Proficiency in performing the relevant skills, considering the student's particular level of development;
- Thoroughness and clarity in communication during the performance and in written assignments;
- A balanced assessment of one's own strengths and areas for improvement, supported by appropriate and specific examples; and
- Compliance with all simulation instructions, including deadlines.

PROFESSIONALISM

This course places you in the role of a lawyer and asks you to engage with the legal, ethical, emotional, and interpersonal challenges lawyers face every day. Through this course, you will continually examine your professional identity and develop critical professional skills.

Confidentiality

All client communications with actors in the client role should be treated under the terms of Rule 1.6. Failure to keep information confidential will result in a lower grade. In addition, you may not view any other student's simulation recording before recording your own, and you should never discuss a simulation with other students who have not yet recorded. After you record, you are expected to maintain the confidentiality of the information you learned about your client's situation. You may not share any of your simulation recordings with other students unless you are instructed to do so by your professor.

Before Simulations III and IV, you will receive confidential memos regarding your client's circumstances. You may not discuss the contents of those memos with anyone other than your professor and students in your class who are assigned to the same client.

Programming requirement

To supplement and reinforce this work, you are required to attend one program presented by the Office of Professionalism this semester. A full list of offerings is posted [here](#), and you should sign up for whichever program interests you most. Attendance will be taken at each Professionalism program, but the FLS administration may also ask you to self-report your attendance at the end of the semester.

LEARNING OUTCOMES

After completing the course, students should be able to:

- Understand the basic principles of effective client interviewing, client counseling,

and legal negotiation;

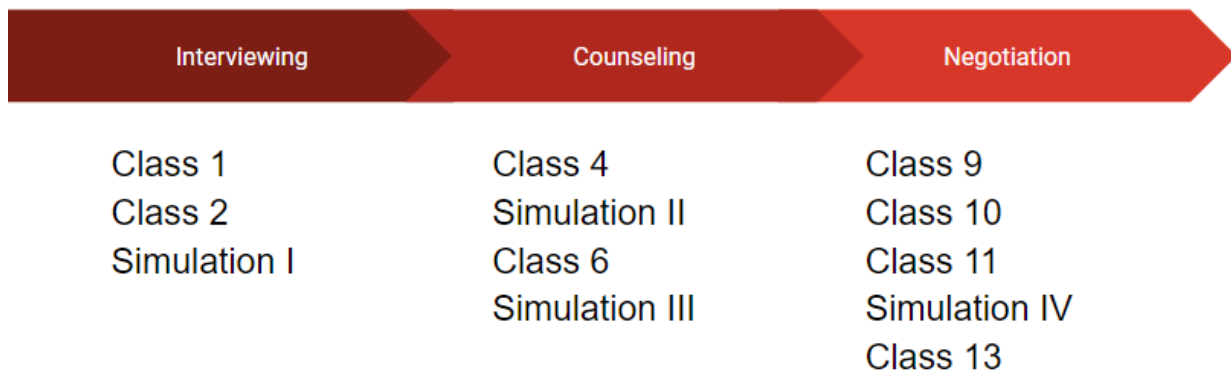
- Effectively plan for client interviewing, counseling, and negotiation in a legal context;
- Recognize cultural differences and work effectively with people of diverse backgrounds and life experiences, striving to avoid stereotyping and bias;
- Collaborate with one or more partners to plan for and execute lawyering activities;
- Demonstrate appropriate professional and ethical behavior while in the role of lawyer in situations that commonly arise in legal practice; and
- Objectively analyze the execution of lawyering skills (one's own and that of others) through feedback sessions and written self-reflection, including the ability to identify strengths and areas for improvement.

COURSE CONTENT

During this course, you will encounter simulations where clients have experienced trauma and been subject to racism, discrimination, and violence. Attorneys and law students respond uniquely to these situations and we will discuss how to approach and process our clients' and our response to these situations. If you ever feel the need to step outside during one of these discussions, either for a short time or for the rest of the class session, you may always do so without academic penalty. (You will, however, be responsible for any material you miss. If you do leave the room for a significant time, please make arrangements to get notes from another student or see me individually.)

If you ever wish to discuss your personal reactions to this material, either with the class or with me afterward, I welcome such discussion as an appropriate part of our coursework.

COURSE STRUCTURE



SCHEDULE OF ASSIGNMENTS

Class	Before Class	In Class	Simulation
1	<p>Read: FLS Course Memo Chapter 1: What This Book is About Chapter 2: Becoming a Professional Chapter 3: Lawyering for and with the Client Chapter 4: Lawyering as Problem Solving Chapter 5: Communication Skills Taylor Background Memo Five Habits of Multicultural Lawyering</p> <p>Watch: Empathy v. sympathy</p>	<p>Introductions Course Logistics Interview Demonstration Recording Taylor Client Meeting - Live Exercise</p>	<p>Communicate any assignment preferences to faculty</p>
2	<p>Read: Chapter 6: Multicultural Lawyering Chapter 7: Observation, Memory, Facts, and Evidence Chapter 8: Interviewing the Client NY Rules of Professional Conduct Rule 1.4 Communication Rule 1.6: Confidentiality of Information Sanchez Background Memo Simulation I Materials</p> <p>Watch: Implicit Bias Immaculate Perception Trauma & the Brain</p>	<p>Sanchez Client Meeting – Live Demonstration <i>Philadelphia</i> excerpts Habit 1 Exercise: Degrees of Connection & Difference Preparation for Simulation I</p>	<p>Coordinate with your partner and schedule Simulation I in LawNet. Sim I recording will take place between Classes 2 & 3.</p> <p>Submit your Planning Protocol for Simulation I to Blackboard</p> <p>Schedule debrief of Simulation I with faculty.</p>

Class	Before Class	In Class	Simulation
	Webinar - Advocating for Survivors of Trauma: Practice Tips 16:00 to 22:00		
SIMULATION I recordings take place after Class Two, and at least two days before Class Three.			
3 Sim I Feedback	<p>Read: Feedback Model</p> <p>Submit: Your Memo to File (to Blackboard)</p> <p>Watch: Your own Sim I recording and the recording you were assigned to review</p>	Meet with your partner and one other pair to provide feedback on Simulation I.	Schedule debrief with faculty member
4	<p>Read: Chapter 18: What Happens When a Lawyer Counsels a Client Chapter 20: Preparing for Counseling: Structuring the Options Chapter 21: The Counseling Meeting with the Client Stark Background Memo</p> <p>Watch: The Art of Choosing Living with High Functioning Anxiety by Jordan Raskopoulos (Minute 5:15 to 10:30)</p> <p>Trauma-Informed Legal Advocacy chapter of Advocating for Survivors of Trauma: Practice Tips (Minute 42:45 to 55:00)</p>	Stark Counseling Exercise Habit 3 Exercise: Parallel Universe Thinking Counseling Demonstration Preparation for Simulation II	Coordinate with your partner and schedule Simulation II in LawNet . Simulation II takes place between classes 4 & 5. Submit your Planning Protocol for Simulation I to Blackboard. Schedule debrief of Simulation II with faculty.

Class	Before Class	In Class	Simulation
SIMULATION II recordings take place after Class Four, and at least two days prior to Class Five.			
5 Sim II Feedback	<p>Read: Feedback Model Submit your Self-Evaluation</p> <p>Watch: Your own Sim II recording and the other client recordings</p>	Meet with your partner and the other students assigned to represent the same client in Simulation II.	Schedule debrief of Simulation II with faculty member
6	<p>Read: Chapter 10: How We Organize and Think about Facts Chapter 11: The Legal Elements Model of Organizing Facts Chapter 12: The Chronology Model of Organizing Facts Chapter 13: The Story Model of Organizing Facts Article: Lawyer Advice and Client Autonomy: Mrs. Jones’s Case Abbott Background Memo <i>Selin</i> Background Memo Simulation III Materials</p> <p>Watch: <u>The Danger of a Single Story</u> Recorded Demonstration: Abbott</p>	<p><i>Selin</i> Client Counseling Exercise</p> <p>Habit 5: Reflecting on Sim I & II</p> <p>Separate preparation for Simulation III</p>	<p>Schedule Simulation III in LawNet. Sim III will take place between classes 6 & 9.</p> <p>Submit your Planning Protocol for Sim III to Blackboard.</p> <p>Schedule debrief of Sim III with faculty.</p>
SIMULATION III recordings take place after Class Six, and at least three days before your scheduled review meeting.			
7 and 8 Sim III Debrief	<p>Read: Feedback Model</p> <p>Submit:</p>	Meet with your faculty member to review your recording and Self-Evaluation of	

Class	Before Class	In Class	Simulation
	<p>Self-Evaluation</p> <p>Watch: Your own Sim III recording</p>	Simulation III	
9	<p>Read: Chapter 23: How Negotiation Works Chapter 24: Negotiation Preparation: Assessing the Parties Chapter 25: Developing a Negotiation Strategy <i>Bell</i> Background Memo <i>Bell-Jackson</i> Background and Confidential Materials NY Rules of Professional Conduct Rule 4.1: Truthfulness in Statements to Others</p>	<p><i>Bell</i> Counseling Exercise Submit your group Planning Protocol to Blackboard. <i>Bell-Jackson</i> Negotiation Exercise</p>	
10	<p>Read: NY Rules of Professional Conduct Rule 3.8: Special Responsibilities of Prosecutors and Other Government Lawyers <i>People v. Sole</i> Background Memo <i>People v. Young</i> Background and Confidential Memos</p> <p>Watch: Recorded Demonstration of a Negotiation in a Criminal Matter: <i>People v. Sole</i></p>	<p>Analysis of <i>People v. Sole</i> negotiation</p> <p><i>People v. Young</i> Negotiation Exercise</p>	
11	<p>Read: Chapter 26: Styles and Rituals Chapter 27: Following Through on Your Plan</p>	<p><i>Stark- MagnaBio</i> Negotiation Exercise Separate preparation for Simulation V</p>	Coordinate with the student assigned to represent the opposing side and

Class	Before Class	In Class	Simulation
	<p>Chapter 28: Negotiation Tactics Article: Aspirations in Negotiation <i>Marder</i> Background Memo <i>Stark</i> Background Memo and Confidential Memos</p> <p>Watch: Recorded Counseling Demonstration: Marder</p> <p>Simulation IV Materials</p>		<p>schedule Simulation IV in LawNet. Sim IV will take place between classes 11 & 13.</p> <p>Submit your Planning Protocol for Sim IV to Blackboard.</p> <p>Schedule debrief of Simulation IV with faculty.</p>
Simulation IV recordings take place after Class Eleven and at least three days before faculty review meeting.			
12 Sim IV Debrief	<p>Read: Feedback Model Submit your Self-Evaluation</p> <p>Watch: Your own Sim IV recording and any recording you were assigned to review</p>	<p>Meet with your faculty Remember to review your recording and Self-Evaluation of Simulation IV</p>	
13	<p>Read: Gifford, Legal Negotiation, Chapter 9, Multiple Party Negotiation <i>Milam v. Midwest Airlines & Capri Hotel</i> Background and Confidential Memos</p>	<p><i>Milam v. Midwest Airlines & Capri Hotel</i> Multiple Party Negotiation Exercise</p>	

APPENDIX A: RECORDED SIMULATIONS

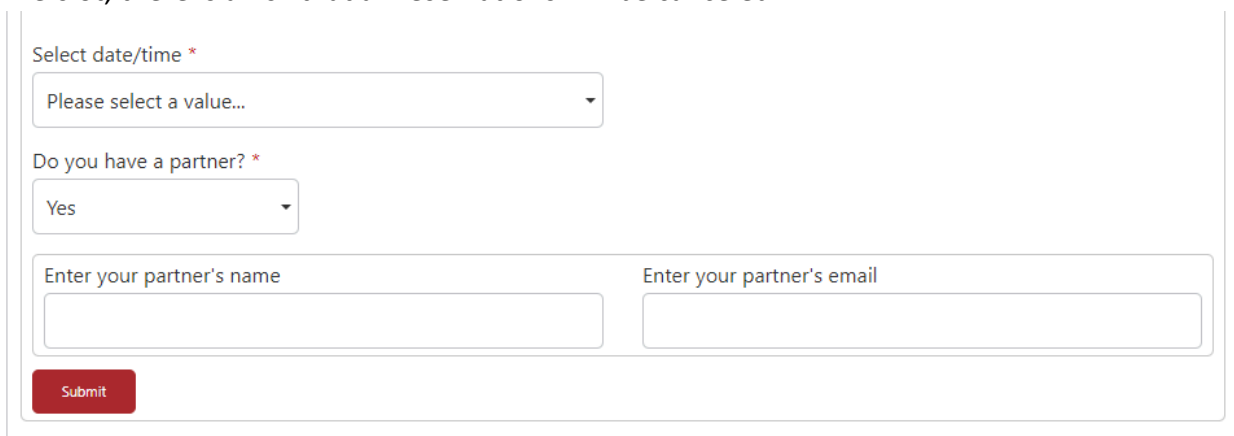
FLS involves four recorded simulations through which you will take on the role of a lawyer representing a client. Scheduling, sharing, and viewing these simulations requires attention to detail and effective communication. The information below explains each step of the simulation process. Please note that all simulations are recorded – whether they are conducted

in-person or via Zoom.

Scheduling Simulations

Please use the [Fundamental Lawyering Skills Simulations Site](http://law.fordham.edu/fls) in LawNET to schedule recordings. The short url is <http://law.fordham.edu/fls>. Click the Students icon to access the simulation scheduling page.

The scheduling app has drop-down menus for, among other things, recording dates, locations (Simulation room or Zoom), times, and assigned clients. Please confirm your assigned client before scheduling. For simulations in which more than one student is involved, all participants need to be identified using the Class Roster information in LawNet; however, only one student may schedule the recording. Therefore, all participants should be consulted before a time slot is reserved. If students within the same group reserve more than one time-slot, there is a risk that all reservations will be canceled.



The screenshot shows a web form for scheduling simulations. It includes a dropdown menu for 'Select date/time *' with the placeholder text 'Please select a value...'. Below that is another dropdown menu for 'Do you have a partner? *' with 'Yes' selected. There are two text input fields: 'Enter your partner's name' and 'Enter your partner's email'. At the bottom left of the form is a red 'Submit' button.

If none of the available times work for your schedule, please email [Victor Galindez](mailto:vgalindez@fordham.edu) with your partner's name, assigned client, and requested time. We will make every effort to accommodate your schedule.

Important Note: Once a recording is scheduled, **your client is automatically notified** and you cannot modify or cancel the time slot on your own. Please confirm your and your partners' schedule before booking. If, due to unanticipated circumstances, you need to request a scheduling change, contact Victor Galindez at vgalindez@fordham.edu. If you are attempting to cancel within 24 hours of the scheduled start time, you must also call the Simulation Desk (212-636-7050) and copy your faculty member.

Unless you receive e-mail confirmation that your scheduled simulation has been canceled and/or changed, you will remain on the schedule and be expected to record.

Recordings depend upon properly functioning equipment in the simulation rooms. Although we check our equipment regularly, technological malfunctions are always a risk of the

program. In the rare case the equipment fails to capture your simulation, your professor will ask you to record it again at a time that is convenient for you/your partner.

Sign-Up Deadlines

A separate document (“Simulation Recording Deadlines”) is posted on Blackboard and specifies when students in each section may sign up for a recording time slot and record each of the four simulations. The following additional guidelines apply:

- Simulations I, and II must be scheduled by 6 PM at least two days before your selected time slot.
- Simulations III and IV must be scheduled by 6 PM at least three days before your selected time slot.

Written Materials Related to Simulations

For each of your simulations, you will have written materials to both read and create.

Materials to Review: Before each simulation, you will receive written information about your client’s situation and, in some cases, an overview of the applicable law. Prior to Simulations III and IV, you will receive confidential memos regarding your client’s circumstances. You may not discuss the contents of those memos with anyone other than your professor and students in your class who are assigned to the same client.

Written Assignments: Written assignments are due before and after each recorded simulation and should be posted in the appropriate Assignment drop boxes on Blackboard. Your preparation and reflection assignments are significant pieces of your grade for each simulation.

Note: Due dates for some assignments are determined by the date of your recording and/or faculty review meeting. Accordingly, some Assignment deadlines are *approximate*. Specific written instructions for each recorded simulation will include, among other things, information about how to compute applicable deadlines.

Check-In for In-Person Simulations

Recordings of in-person simulations take place on the 9th floor of the Law School, on the south side of the building. Please check in at the Simulation Reception Desk at least five minutes before your start time. A staff member will set up the recording. If you think the camera is not likely to capture all participants, you may ask to move the furniture but you may not touch any equipment. You or the actor should notify the staff member as soon as the simulation has been completed.

Zoom-Based Simulations

This semester, your Faculty member may choose to use Zoom for some of your recordings and

individual review sessions. Please see the instructions below about Zoom recordings. You will receive an email with the meeting link the day before you are scheduled to record. For this simulation, you should log into the meeting five minutes before the start time to ensure there are no connection issues and to test your microphone and camera. **Set your screen to “gallery view” for the entirety of all simulation recordings.**

Zoom-based simulations will automatically be set to record and will begin recording when the first person joins the meeting. You should not attempt to record any meetings on your own device or the cloud or to change any of the Zoom settings.

Participants should note the start time of the meeting, which may be different than the scheduled start time, and are responsible for keeping track of time throughout. The recording will stop when all participants have left the Zoom meeting.

Where to Find the Recording of Your Simulation

Simulations recorded **in person** will be available in the **Courses** section of Echo 360 approximately one hour after you record.

For Simulations recorded **via Zoom**, you and your professor will receive a link to the recorded simulation in the **Library** section of Echo 360 no later than the morning after you record. Please view your recording promptly. Recordings will be removed from the Echo 360 or Zoom platform at the completion of each semester.

APPENDIX B: CRITERIA FOR EVALUATING LAWYERING SKILLS

The FLS faculty have developed the following criteria for evaluating performance of lawyering skills in this course.

Client Interviewing

1. Organization and structure of the meeting, including time management.
2. Effectiveness of basic information-gathering techniques, e.g., question formation, use of active listening skills.
3. Accuracy and clarity in identifying the client's legal problem(s).
4. Clarity in communication, including appropriate choice of language.
5. Is respectful and responsive to the client's questions, concerns and past experiences, including past history of trauma.
6. Effectiveness in closing the interview, including establishment of an appropriate fee arrangement and identification of next steps for both lawyer and client.
7. Effective teamwork/collaboration, if applicable.

Client Counseling

1. Organization and structure of the counseling session, including time management.
2. Effectiveness of basic information-gathering techniques, e.g., question formation, use of active listening skills.
3. Accuracy and clarity in identifying the decision(s) to be made by the client.
4. Effectiveness and thoroughness in identifying and evaluating potential solutions.
5. Synthesis of non-legal factors, e.g., client goals and priorities, with relevant legal factors.
6. Appropriate choice of lawyer role when assisting the client in reaching a decision.
7. Clarity in communication, including appropriate choice of language.
8. Responsiveness to the client's questions and concerns.
9. Appropriate identification of next steps for both lawyer and client.
10. Effective teamwork/collaboration, if applicable.

Negotiation

1. Adequacy and appropriateness of pre-negotiation preparation and planning.
2. Structure and organization of the negotiation session, including effectiveness in setting the agenda and managing time.
3. Appropriate, well-reasoned choice of negotiation strategy, style, and tactics.
4. Consistency in executing the chosen negotiation strategy.
5. Thoroughness and effectiveness of information exchange.
6. Flexibility in adapting to unexpected circumstances and/or deviating from original plan, if appropriate.

7. Conformance of negotiating behaviors with the ethical standards of the profession.
8. Adequacy of the closure of the negotiating session, including identification of next steps.
9. Degree to which the outcome of the session satisfies the client's objectives and interests, including the settlement authority provided to the lawyer.
10. Effective teamwork/collaboration, if applicable.

Critical Analysis

1. Theoretical understanding of the particular lawyering skill being analyzed.
2. Recognition of the most important factors to consider in evaluating the performance.
3. Appropriate balance of strengths and areas for improvement.
4. Identification of specific examples to support the analysis.
5. Clarity and appropriate demeanor when communicating feedback to others