

# Health Law Externship

Spring 2019

**Professor Thaddeus Mason Pope**  
**Mitchell Hamline School of Law**

**When:** Three group meetings with all externship students  
Two individually-scheduled one-on-one meetings

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MHSL 320

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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, regulatory affairs managers, ethics consultants, and other legal professionals) in the community. This course focuses on Externships and Residencies in health law and healthcare compliance.

In the past academic year, Mitchell Hamline Externship and Residency students have worked for a wide range of companies.

- **Government** placements have included: the U.S. Attorney for the District of Minnesota (Healthcare Fraud Unit), the Minnesota Department of Human Services (multiple departments), the U.S. DHHS Office of the Inspector General, and Connect for Health Colorado.
- **Law Firm** placements have included: Halunen Law, Fredrikson & Byron, Friedmann Foarde, JurisHealth, Pathmaker FDA Law, and Scheller Legal Solutions.
- **Hospital & Provider** placements have included: Children's Hospitals & Clinics of Minnesota, Planned Parenthood, Gillette Children's Hospital, Hennepin County Medical Center (HCMC) via Hennepin County Attorney, HealthPartners, Mayo Clinic, Minnesota Hospital Association, M-Health Physicians, University of New Mexico Health, and Christus Santa Rosa.
- **Device & Equipment Manufacturer** placements have included: Medtronic, CryoLife, EcoLab, and Vital Images.
- **Insurance** placements have included: Medica, UnitedHealth, and HealthPartners.
- **Other** placements have included: Novu and the Public Health Law Center.

Your Field 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 (far smaller) classroom component of the Externship or Residency. Each student is supervised both by Mitchell Hamline faculty and by attorneys in the field.

## II. Course Objectives

Given the wide range of Field Placements, students have widely varying experiences in the health law Externship or Residency. But the 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 different work environments.
- Improve your prospects for employment by networking, by getting references, and by gaining a recognized credential.

More specifically, 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

1. Academic good standing (2.0 GPA or higher)
2. Completed or concurrent taking *Professional Responsibility*
3. Earned a minimum of 21 JD credits

### IV. Field Supervisor Meetings

1. If you have not done so prior to the start of the semester, you are expected to meet with your Field Supervisor no later than January 31, 2019. 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 or Residency
  - c. Develop a preliminary schedule for your work hours
  - d. Answer any questions that your Field Supervisor may have about the Externship or Residency
  - e. Articulate several specific experiences that you hope to have during your Externship or Residency
2. At the end of the semester, you are expected to formally thank your Field Supervisor through a personal letter of appreciation.

### V. Class & Meeting Schedule

1. This course will meet five times. 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.
2. We will meet as a group three times: at the beginning, middle, and end of the semester. The early meeting is an orientation. The middle meeting is a shared status report. The final meeting will be your prepared presentations.
3. In addition to the above requirements, all students must meet at least twice, one-on-one, with Professor Pope. One of these should be an “exit interview” at the end of the semester.
4. In between these meetings, Professor Pope will respond (usually by email) to your time sheets and journal reflections. He will also send comments on and suggested edits to your resume, LinkedIn pages, and other career-related documents.

## VI. Readings & Written Assignments

1. This syllabus is for only the classroom component of your Externship or Residency. You must complete all assignments for your Field Supervisor. That is the primary focus of the Externship or Residency and will consume most of the time that correlates to the number of credits for which you are taking this Externship.
2. 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.
3. In addition to work for your Field Supervisor, you must also complete written assignments from the Externship/Residency law faculty supervisor (Professor Pope). For externship students, this will include:
  - a. Completing the mid-semester survey
  - b. Completing the end-of-semester survey
  - c. Making one formal 20-minute presentation
  - d. Submitting two 1200-word journal essays on assigned topics
  - e. Submitting other assignments as announced
4. The journal essays should be in three parts:
  - a. Part I should briefly describe what the Extern/Resident has been working on and participating in during the externship (or since the last reflective essay). This Part should be about one-third of the essay.
  - b. Part II will be the bulk of the essay. A list of topics will be provided. Each student should choose one topic from the list.
  - c. Part III should identify any potential problem(s) with the placement (if any).

## VII. Assessments & Grades

1. For externships, no letter grade is given for the classroom component. But attendance and submission of written assignments is required to earn JD credits. The Field Placement is evaluated on a pass/fail basis.
2. I will provide feedback on your written submissions and on your contributions in the classroom discussions.
3. I will ask your Field Placement supervisors to complete two comprehensive written assessments: one at the middle and one at the end of the semester.

## VIII. Mandatory Timesheets

1. You must keep track of all the hours that you spend on work at and/or for your Field Placement. This may include: (a) preparing work product, (b) professional networking with Field Placement staff, (c) professional development like CLE programs, and (d) purely observational activities like attending a hearing.
2. Externships can be taken for 3 or 4 credits. You must complete 45 hours at your Field Placement for each credit: 135 or 180 hours. How you break that down is a mutual decision between you and your supervisor. For example, you might do 14 hours per week for 10 weeks. Or you might do 10 hours per week for 14 weeks. Work must be completed within the semester in which the student is enrolled.
3. 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.
4. For questions about submitting and recording you hours, please contact [jean.backes@mitchellhamline.edu](mailto:jean.backes@mitchellhamline.edu)

## IX. Oral Presentations

1. **Requirement.** Each student must make a formal presentation to the class.
2. **Content**
  - a. Please describe the mission of your company and the workplace setting.
  - b. Please also describe the nature of the work that you performed. You may summarize the experience as a whole or describe just one particularly interesting project.
3. **Duration.** Please design your presentations to be completed within twenty (20) minutes.
4. **Preparation**
  - a. Practice aloud.
    - i. 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.
    - ii. Practice on your feet to coordinate body, brain, and voice
    - iii. Time yourself, so you know that you will stick to the 10 minutes.

- b. Use as few notes as possible.
  - i. Use bullet points to trigger thoughts.
  - ii. Write big and keep notes where they are easy to see. If you are using a script, print it in at least a 16-point font
    - 1. Anticipate likely questions and have clear, concise answers ready. e.g. “I’m glad you asked that...”

## 5. Delivery

- a. Mark your script/notes for pacing and pauses. Pauses are okay. They give you time to think and the audience time to absorb.
- b. Speak in phrases, not whole sentences. Use the rhythm of the Pledge of Allegiance: e.g. “I pledge allegiance . . . to the flag . . . of the United.....” Vary the pace. Speak in phrases on important points. Speak more briskly for preliminary information.
- c. Emphasize. Put emphatic stress on all the key words in every sentence. Lower the vocal pitch (not volume) when ending sentences. This makes you sound confident and conclusive.

## 6. Visual counts the most.

- a. 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%.
- b. Stand when speaking. It increases your energy level and keeps the audience more alert.
- c. A listener’s ability to comprehend and retain information increases substantially with the use of visual aids.

## 7. Physical performance

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

## 8. Clarity

- a. Lay out the structure of your presentation for the listeners. Let listeners know why the topic is important. Why should they listen to you?
- b. Repetition is good. Tell them what you are going to tell them. Tell them. Then tell them what you’ve told them.
- c. Shrink and simplify. Boil the presentation down to 3 main points. State the 3 points at the beginning and repeat them at the end.
- d. 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.
- e. Use focus phrases. e.g. “The bottom line is...” “The threshold question is...” These phrases focus the mind of the listener.
- f. Use transition phrases (e.g. “Now that we have analyzed the problem, let’s look at possible solutions...”)

## X. Other Rules

1. ABA 305-02 provides: “A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This Interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement.”
2. Please contact me immediately if you have any questions or concerns about your Field Placement.
3. Please contact me immediately if you are not getting sufficient hours or sufficient feedback from your Field Supervisor.

## XI. Calendar of Due Dates

<b>January</b>	Work at placement site and log hours.
<b>January 29</b>	The first group meeting per WHEN2MEET.
<b>February</b>	Work at placement site and log hours.
<b>Late February</b>	We will schedule the second (mid-semester) group meeting.
<b>March</b>	Work at placement site and log hours.
<b>March 15</b>	You should be near 50% of your total required hours.
	You should have had at least one individual meeting with Prof. Pope by now. Schedule at your convenience.
	Submit journal essay 1.
	Submit the mid-semester survey.
<b>March</b>	Work at placement site and log hours.
<b>April</b>	Work at placement site and log hours.
<b>Mid-April</b>	We will schedule a session in which everyone will make their 20-minute presentation.
	Submit journal essay 2.
<b>May 1</b>	Submit the end-of-semester survey
	You should be near 100% of your required hours
	You should plan your “exit interview” second individual meeting with Prof. Pope. Schedule at your convenience.