

Hi, this is Chris Micheli, a principal with the Sacramento governmental relations firm of Aprea and Micheli and an adjunct professor at McGeorge School of Law in its capital lawyering program. Welcome to part one of teaching the "Introduction to Capital Lawyering" course.

As part of its Capital Lawyering Concentration, UoP-McGeorge offers several courses to develop the capital lawyer. There's one mandatory course. It's titled "Introduction to Capital Lawyering." This course is either taught on the McGeorge campus or downtown Sacramento, as this will provide students with the feel of the practice of capital lawyering.

The Intro to Capital Lawyering course runs 17 consecutive weeks and generally meets once a week for two hours. It's open to both day and evening students as well as those who are enrolled in McGeorge's Master of Science in Law program, or MSL program.

This course is geared to giving students the proverbial 30,000-foot-level review of the three levels of government as well as the three branches of government, with particular emphasis on California state government.

The objective of the course is to ensure that students are aware of the different forms and avenues to address a client's legal issue, whether the capital lawyer works inside or outside of government. In this way, students will be well-positioned to develop a winning strategy to ensure that their client's issue is properly and efficiently addressed in the most appropriate venue.

This course introduces students to the lawyer's role in developing, modifying, implementing, advocating, and influencing public policy, including the use of legislation, regulations, executive orders, court orders, and other policy edicts at the national, state, and local levels.

Students learn how to do thorough policy analysis. They learn the essential organization and procedures of the various policymaking venues. They're able to consider and weigh strategic implications associated with these various venues and processes. They conduct research using a variety of sources that are unique to policymaking in California and other settings.

They learn and develop skills for advocacy, negotiation, and compromise in a policymaking setting, and they practice applying the course's knowledge and skills to important public policy matters of the day.

What are the learning objectives of the introduction to capital lawyering course? The primary learning objective of this course is to introduce and acquaint the students with the fundamental knowledge and skills that are essential to lawyering in connection with California state government and with government in general.

Upon the successful completion of this course, students should possess some of the following knowledge and skills that is viewed as essential to lawyering in government settings.

Students will be able to perform policy analysis using a variety of methodologies that are the problem-solving rubric in the Capital and other policymaking settings. Students will be able to consider and weigh the various venues for proceeding with a particular policy change, and they'll be able to make decisions regarding the venue which provides the greatest strategic advantages and chances for their success.

Students will be able to apply advocacy, negotiation, and compromise skills that are both necessary and common in policymaking settings, including bilateral and multilateral negotiation, win-lose, and win-win negotiation techniques, and the methods for achieving compromise. Students will be able to apply their course knowledge and skills to address current public policy problems that confront California, the nation as a whole, and local communities.

While the primary focus of this course is devoted to the lawyer's role in the context of California state government, policymaking venues and processes at the federal and local government levels in California are also addressed. This is because California state government doesn't operate in a vacuum. Federal laws, programs, and funding decisions are implemented by the state and have a huge effect on the state and its local communities.

In addition, the state doesn't have exclusive control of the policymaking agenda. The federal government and California's local governments are regularly considering and adopting policies that are of concern to those working with state government. As a result, a capital lawyer must also be able to work in other policymaking venues.

The secondary learning objective of this course is to enable students to make more informed decisions regarding not only their areas of interest and course choices in the capital lawyering program at McGeorge, but also the diverse array of employment opportunities that exist in connection with California state government and government practice in general.

How do we prepare students for capital lawyering careers in the Introduction to Capital Lawyering course? With the foundation provided by this course as well as the other capital lawyering program courses offered at McGeorge School of Law, including "Lawmaking in California," "Lobbying and Politics," and "The Legislation Clinic" students will be equipped to pursue their specific employment interests through a range of elective courses that are designed to prepare students to work in an extensive and very diverse array of positions that are in and around California state government.

This course and the entire capital lawyering program are to provide essential preparation for jobs such as working in the California Legislature as committee consultants, staff to legislative leaders and legislators, staff to party caucuses, or other legislative support agencies such as the Legislative Counsel's office.

Also, working for the governor in such areas as legal affairs, legislative affairs or appointments, working in state agencies as attorneys, legislative advocates or lobbyists, administrative law judges, enforcement officers, and other positions in state government.

Working for businesses and nonprofit organizations that seek to influence public policy on legislative or regulatory matters. Working for private law firms that specialize in political, election, and government law and working for lobbying firms that are retained to influence policy on both legislative and regulatory matters.

What course materials are used? This course does not use a standard textbook. Instead, it uses a reader that's entitled "Introduction to Capital Lawyering," which was written by adjunct professor Tom Nussbaum, with supplemental materials provided by other adjunct professors who teach the course on occasion.

This reader provides students with the essential background to participate in the class discussions and consider the case studies that will be used during the semester and the discussions.

Exams. There's generally a graded midterm exam that could be worth 30 percent of the final grade as well as a final exam at the end of the course, which is generally also worth 30 percent of the student's final grade. Each exam covers half the course.

These exams might consist of multiple-choice, true/false, and short essay questions. Generally, the midterm's given in the second hour of the seventh class and lasts an hour and covers the first half of the class, while the final exam, which covers the second half of the class, is generally given during exam week after the conclusion of classes and generally lasts 90 minutes.

In terms of assessing the student's knowledge of the course materials and their ability to apply the information that's been covered during the class sessions, these exams try to test the student's recall of critical information as well as the application of the information in some short essay questions.

The multiple-choice and true/false questions are relatively straightforward and come directly from the class readings and certainly are covered a second time during the classroom discussions. The short essay questions are intended to address the student's writing ability in applying the information that they've reviewed in the class sessions.

Generally, there's also a written project. With the written project, each student completes a written project for the class that involves working on an actual current public-policy problem that's facing either California or the nation. The project is generally worth 40 percent of the final grade and students submit their final paper for addressing a public policy problem, which is generally due by the end of the class sessions.

This written paper must formally apply a policy analysis methodology and demonstrate knowledge and skills that are acquired from the course. The first step in completing the written paper is to select a current public policy problem, generally early in the semester and involves consultation with the course's professor.

While the professor generally provides a list of potential topics, that list certainly is not exhaustive and the problem statements are not precisely framed in the same manner as a student will generally do in his or her project paper.

Naturally, students are free to propose other topics or rephrase those that have been suggested by the professor. Then the professor provides feedback -- approval or further direction -- for the paper. In the final paper, the students are expected to explain in detail the components of his or her proposal, applying what they've learned with further research and analysis of the public policy problem.

In addition, the final paper should reflect knowledge and skills acquired by the course. The use of footnotes or endnotes is generally required to provide sufficient authority and reference and support for the policy analysis that's undertaken.

Then students are provided evaluation criteria for their written project. This is done at the start of the course so that they understand what's expected and how that written project will be graded. Basically, there are four major areas that are reviewed by the professor.

First, thoroughness and quality of the research. Here the professor's evaluating the extent to which the student became informed about the public policy problem, the various alternatives to addressing that problem, and the views of the key parties of interest, and other relevant points.

In addition, the professor's evaluating the degree to which the student use an extensive and diverse array of research material to support his or her analysis, including references and authority and support for any assertions that they make.

The second evaluation is the application of the methodology. Here the professor's evaluating the extent to which the student correctly applied a policy analysis and development methodology in putting together his or her paper.

The third component is the quality of the policy analysis. Here the professor is evaluating the extent to which the student did a sophisticated policy analysis of the public policy problem. The professor wants to see the student go beyond a rigid or mechanical application of the policy analysis methodology and is looking for the student to identify and focus on the most crucial or pivotal aspects of the public policy issue he or she is addressing in that paper.

The last is the quality of the writing. Here the professor's evaluating the extent to which the student's paper is well-organized, readable, and well-written. Of course, proper grammar, usage, and mechanics enhance a policy analysis, whereas improper grammar, usage, and mechanics often detract from such an analysis.

That concludes the first part of the Introduction to Capital Lawyering course. I'll look forward to talking with you in the second part.