

Boston College Law School

Attorney General Civil Litigation Program & Seminar Syllabus (LAWS8856.01)

Fall 2020

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AG Program Clinical Credits:

The Attorney General Civil Litigation Program provides an intensive full-year clinical experience in civil litigation in the Government Bureau of the Massachusetts Office of the Attorney General (AGO). Students practice under the supervision of one of two faculty members who are assistant or special assistant attorneys general in that Bureau. Students work directly with Bureau attorneys in the representation of state agencies and officials in state and federal courts. At the completion of the clinic, the students will be able to perform legal tasks related to civil litigation in federal and state courts, such as: (1) the drafting of pleadings, motions, discovery requests and responses, or other litigation documents; (2) legal research and writing of briefs in the trial and appellate courts; (3) oral argument in the state courts; and/or (4) other litigation tasks, including taking and defending depositions. Students will be expected to do a significant amount of legal writing. Pursuant to Rule 3:03 of the Supreme Judicial Court, students may argue orally in Superior Court on behalf of state agencies.

Students will be assigned to one of two Divisions in the Government Bureau, either the Administrative Law Division or the Trial Division. The co-directors will make best efforts to assign each student to the division of his or her preference, subject to space in the divisions. Students assigned to the Administrative Law Division will gain an understanding of substantive and procedural law in court cases that present issues of administrative and constitutional law, federal courts, and statutory construction. Students assigned to the Trial Division will gain an understanding of substantive and procedural law in court cases that present issues employment, tort, contracts and eminent domain

and land use law. Students receive written and oral comments on their memoranda and written evaluations of their performance.

The Clinical Component of the program awards five credits, pass-fail, per semester, based on an evaluation of the student's completion of the required clinical hours and the student's performance in clinical work.

AG Program Seminar

The AG Civil Litigation Program includes a weekly two-hour seminar (described below) on litigation skills, substantive law topics, and the discussion of student work.

Text: No text is required for purchase. Class papers will be distributed by the faculty in advance of each class.

Attendance: Attendance at class is mandatory. If you are absent from or plan to be late to a class during the semester, please send one of us an email stating the reason for your absence or tardiness.

Reading and Discussion: We expect each of you to read and be prepared to comment orally on the assigned readings and questions distributed for each class.

“Office Hours”: Faculty will be available for consultation at mutually agreeable times and places, including by remote means. We encourage each of you to discuss with us the course, your placement, current legal events, and your previous and future legal employment.

Examination and Grading: This is a pass-fail, two-credit-per-semester seminar. There is no final exam or paper. Your grade will be based on your attendance and performance in class, including your oral responses to the questions assigned to you each week, and your twenty-minute oral presentation to the class in one of our classes in March.

Disability Notice from Office of Academic Services:

“If you are a student with a documented disability seeking reasonable accommodations in this course, please contact the law school's Office of the Dean for Students.”

Educational Objectives of Seminar:

The purpose of this seminar is for students to achieve intermediate-to-advanced competency in the basic concepts of public law litigation relevant to the student's co-requisite externship at the AGO and the future practice of law. Through oral presentations and student discussions, the seminar will provide students with opportunities to reflect about their externship and to acquire knowledge and understanding of procedural and substantive law subjects related to the practice of public law litigation. At the close of the year-long seminar, the students will have gained an intermediate-to-advanced understanding of such topics as state and federal jurisdiction, drafting litigation documents, conducting legal research, motion practice, discovery and depositions, trial preparation, appellate practice, and the role of state attorneys general. The students will also understand the exercise of proper professional skills and ethical duties in the conduct of litigation and be competent to assess the exercise of power by public lawyers such as state attorneys general.

BOSTON COLLEGE LAW SCHOOL
ATTORNEY GENERAL CIVIL LITIGATION PROGRAM SEMINAR
SCHEDULE OF CLASSES FOR FALL SEMESTER, 2020

August 26: Introduction and Organization of the Externship and Seminar

September 2: Organization, Powers, and Duties of the Office of the Attorney General

September 9: Ethical Issues;

Massachusetts Court System

September 16: Administrative Law Interns: Mass. Administrative Procedure Act I;
Procedures for Actions for Judicial Review
of State Agency Action;

Trial Interns: Massachusetts Tort Claims Act

September 23: Administrative Law Interns: Mass. APA II;

Trial Interns: Eminent Domain

September 30: Administrative Law Interns: Complaints, Motions, and Government
Defenses;

Trial Interns: Employment Law

October 7: Written Discovery

October 14: Oral Depositions

October 21: State Defenses in Federal Court I

October 28: State Defenses in Federal Court II

November 4: Summary Judgment

November 11: Civil Trials I

November 18: Civil Trials II

Note: All seminars begin at 12:30 p.m.