

MEMORANDUM

To: Civil Law and Procedure Students
From: Prof. Kerin E. Coughlin
Date: February 25, 2019
Subject: Court Observation and Report Assignment

INTRODUCTION

A task that paralegals commonly perform is to attend court proceedings, then provide a written summary of the proceeding to their supervising attorney, to assist the attorney in preparing for a proceeding in that court or before that judge. The summaries often take the form of a memorandum, or "memo," such as the one you are reading now.

This memorandum provides instructions and a sample of the appropriate format for the Court Observation and Report you are required to complete for this course (10% of course grade). Each student shall observe a civil trial or hearing in a New York civil trial court, such as New York Supreme Court, for at least two hours. Students are responsible for choosing the proceeding to observe. The proceeding must involve a judge and both parties (plaintiff and defendant), though the parties might "appear" through their lawyers rather than in person. You may observe a proceeding with another student, but each student must submit a separate OpenLab post and memorandum (described below).

A day or two after your observation, but no later than **Friday, April 5, 2019**, each student shall post on OpenLab (category: "Court observation") a short reflection briefly describing the proceeding you observed, where and when it took place, and any information your classmates may find helpful such as how you located it, anything that surprised you, etc. The post need only be a few sentences, but it may be as long as you would like. It will be graded according to the rubric at the end of this document.

In addition, each student shall draft a memorandum that follows the format of this document (but double-spaced) and that includes the title ("**MEMORANDUM**") and heading you see at the top of this page ("To: ... From: ...", etc.). Address it "To: Professor Kerin E. Coughlin" and "From: [your full name]." Use the same section headings you see in this memo, also in bold capital letters: **INTRODUCTION, OBSERVATION, REACTION, and CONCLUSION.** Your memo should be three (3) to five (5) pages long, double-spaced, 12-point font, one-inch margins. Grammar and spelling count. Outside sources should be cited. A first draft is due **Wednesday, April 10**. I will return it to you with suggestions, and your final draft is due **Wednesday, May 1**. The final draft will be graded according to the rubric at the end of this document.

The "Introduction" section of your memo should include the following information, in narrative sentences (not a list): the day, date and time of your observation, the court's full name, including the County (e.g., "New York Supreme Court, Kings County") and its address; the times you arrived at and left the court house; the name and title of the judge; the index number of the case (not the calendar, docket or other number; you may need to ask courtroom staff); the parties' names and their titles in the action ("plaintiff," "defendant," etc.); the attorneys' names, their firms' names, and who they represent.

OBSERVATION

This section should describe, in detail, what you experienced and observed while you were in the courthouse. Explain everything that happened from the time you entered until you left, including how you chose the proceeding; what the proceeding was about (e.g., what the parties were arguing about, or the subject of the witness's testimony), and how the various participants interacted. You should also

identify all court personnel in the courtroom, including their titles, names, and descriptions of what they did during your visit. You may need to ask the court personnel for this information.

Most importantly, this section should explain at least three ways the proceedings you observed relate to what we have learned in class. For example, you may address why that particular court has jurisdiction over the matter, or why the matter is being decided in that venue (which we will learn), or the meaning and purpose of the type of motion made by one of the parties, etc. Cite all applicable provisions of the CPLR and other relevant authorities.

REACTION

This section should describe your reactions to the experience, in detail, including the reasons for your reactions. In particular, it should describe how your experience reinforced, or changed, or otherwise affected your views of our legal system and/or your interest in a career in law. It should also address other issues, such as anything that surprised you, or that you did not understand, or that you found noteworthy for any reason.

CONCLUSION

This section should include two or three sentences concluding your report, such as an overall summary of your experience or any final thoughts.

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Other important information (this will not be a section in your memo):

- If a proceeding you observe lasts less than two hours, you may attend an additional proceeding to make up the remaining time. If you do that, please talk with me about the best way to provide the required information for each proceeding in your memo.
- **Do not use electronic devices, or read anything, or do anything other than observe and take handwritten notes while the judge is in the courtroom.** Silence and put away all electronic devices.
- When you enter the courthouse, you will be required to pass through security detectors and subject to search. Leave anything that could be considered a weapon or otherwise create problems regarding security somewhere else.
- You will likely find court personnel most helpful. Be extremely courteous and respectful to all of them. Let them know you are a student and you are there for a class assignment. Do not be surprised if the justice/judge is made aware of your presence and addresses you.
- Have fun! You will. If you have questions, please ask them early and often.

Grading Rubric	Excellent	Satisfactory	Poor	None
<u>OpenLab post:</u> Posted on time; includes required all information and guidance for classmates; proper grammar and spelling; carefully proofread.	3	2	1	0
<u>Memorandum:</u>				
<u>Introduction:</u> Includes all required information in sufficient detail; explained in a way the reader can understand; proper grammar and spelling; carefully proofread.	3	2	1	0
<u>Observation:</u> Includes all required information in sufficient detail, particularly three ways the proceeding relates to what we learned in class; explained in a way the reader can understand; proper grammar and spelling; carefully proofread.	3	2	1	0
<u>Reaction:</u> Explains how your experience supported or changed your views of our legal system and/or interest in a career in law, with reasons and other details; proper grammar and spelling; carefully proofread.	3	2	1	0
<u>Conclusion:</u> Appropriately summarizes or provides final thoughts on your observation; proper grammar and spelling; carefully proofread.	3	2	1	0