

OBJECTIVES AND METHODS

FIRST DISTRICT COURT OF APPEAL EXTERNSHIP PROGRAM

I. OBJECTIVE: Improve and refine legal analysis, research and writing skills.

METHODS:

1. Read critically the briefs and record in assigned cases, selected to ensure a broad range of increasingly complex subjects.
2. Frame and analyze the issues on appeal, develop a research strategy, research the issues, and prepare a summary of assigned cases.
3. Discuss and defend analysis of assigned cases with the judge and other law clerks.
4. Perform assigned supplementary research and draft special memoranda for the judge on selected issues covering a wide variety of subjects.
5. Prepare preliminary drafts of opinions and orders in assigned cases.

II. OBJECTIVE: Develop a better understanding of, and practical insight into, Florida appellate jurisdiction and procedure in context and practice.

METHODS:

1. Consider court's appellate jurisdiction of cases in light of Florida Constitution, Art. V, § 4, and Florida Statutes, ch. 35.
2. Acquire introduction to the Florida Rules of Appellate Procedure, including mandamus and other extraordinary writs, and any local procedural rules.
3. Acquire introduction to the organization of the district courts, including the roles of the chief judge, court clerk, law clerks, and marshal.
4. Acquire introduction to appellate case administration, including the notice of appeal, the filing of briefs and record, the establishment of the case docket, the appointment of judicial panels, the assignment of cases, the scheduling of oral argument, the judges' conferences, the drafting and approval of opinions, requests for rehearing, and en banc review.

III. OBJECTIVE: Develop deeper understanding of the adversary system and the roles of judges and advocates.

METHODS:

1. Acquire understanding of the rules pertaining to the qualifications, selection, retention, ethics, disqualification, and discipline of judges.
2. Observe critically the competence of counsel, including especially the preparation of the record and briefs.
3. Observe critically the ethical behavior of counsel.
4. Observe critically the art of persuasion and the impact on outcome of briefs, argument, and appellate strategy.
5. Observe critically and discuss with judges their personal judicial philosophies and approach to decision-making.
6. Observe critically, discuss and compare the role of the judge in the judicial process and the perception of judges of their role.
7. Observe critically, discuss and compare the role of the law clerk (and extern) in the judicial process and the perception of law clerks of their role.
8. Evaluate critically the fairness and efficiency of the adversary system.

IV. OBJECTIVE: Develop keener insight into the judicial decision-making process.

METHODS:

1. Research, draft and revise summaries of assigned cases.
2. Discuss assigned cases, issues and conclusions with the judge and other law clerks.
3. Attend and observe critically the oral argument of assigned and other cases.
4. Attend and observe critically the judges' conference and decision of assigned cases.
5. Prepare preliminary drafts of opinions and orders in assigned cases, and review and discuss with the judge and law clerks tentative drafts of opinions in other cases.
6. Consider critically and discuss in daily journals and weekly seminars the applied jurisprudence which has been observed.
7. Evaluate critically the technical competence, fairness and equality of the judicial decision-making process in light of the needs and aspirations of our society.