

## OBJECTIVES AND METHODS

### CIRCUIT/COUNTY COURT EXTERNSHIP PROGRAM

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

**METHODS:**

1. Review critically the pleadings, motions, briefs and other papers in assigned cases, selected to ensure a broad range of complexity and subject matter.
2. Frame and analyze the issues, develop a research strategy, research the issues, and prepare a summary of or memorandum regarding assigned cases.
3. Discuss and defend analysis of assigned cases with the judge and staff attorneys.
4. Prepare preliminary drafts of opinions and orders in assigned cases, including both pre-trial and post-trial relief.
5. Perform assigned supplementary research and draft special memoranda for the judges on selected issues covering a wide variety of subjects.

**II. OBJECTIVE:** Develop better understanding of, and practical insight into, Florida civil and criminal trial practice and procedure, including building a record for appeal.

**METHODS:**

1. Consider the jurisdiction of the circuit or county court in all assigned cases and proceedings, in light of Florida Constitution, Art. V, and Florida Statutes, ch. 26 or 34, as the case may be.
2. Determine the procedural context of all assigned cases and proceedings in accordance with the Florida Rules of Civil or Criminal Procedure, as the case may be.
3. Acquire understanding of the organization of the circuit and county courts and the various divisions thereof, and the roles of the chief judge, court clerk, bailiff, and staff attorneys.
4. Acquire understanding of case administration, including the filing of the petition or complaint, the establishment of the case docket, the assignment of cases, the scheduling of trials or hearings, the empaneling of juries, the preparation of final orders and opinions, the appeal of county court orders to the circuit court and the preparation and transmittal of the record to the district court of appeal.

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

**METHODS:**

1. Acquire understanding of the qualifications, selection, retention, ethics, disqualification, and discipline of judges.
2. Observe critically the competence of counsel, including their preparation for trial.
3. Observe critically the ethical behavior of counsel.
4. Observe critically the strategy and trial advocacy skills of counsel and the impact of counsels' strategy and skill on the outcome of cases and the quality of the record preserved for appeal.
5. Attend and observe critically each of the following criminal proceedings, as feasible:
  - a. Arraignment and setting of bail.
  - b. Motions for pre-trial relief, including the suppression of evidence.
  - c. Voir dire.
  - d. Opening statements.
  - e. Examination, cross-examination and impeachment of witness.
  - f. Qualification of an expert witness and introduction of expert testimony.
  - g. Closing arguments.
  - h. Requests for jury instructions and jury instruction conference.
  - i. Motions for post-trial relief, including judgment for acquittal and for a new trial.
  - j. Sentencing hearings.
  - k. Probation revocation hearings.
  - l. Habeas corpus/mandamus hearings.
  - m. Certification of juvenile as adult offender.
  - n. Proceedings in the Felony Division.
  - o. Proceedings in the Misdemeanor Division.
6. Attend and observe critically each of the following civil proceedings, as feasible:
  - a. Motions to compel/limit discovery.
  - b. Motions for dismissal/summary judgment.
  - c. Motions for TRO/preliminary injunction.
  - d. Voir dire.
  - e. Opening statements.
  - f. Examination and cross-examination of witness.
  - g. Qualification of an expert witness and introduction of expert testimony.
  - h. Requests for jury instructions and jury instruction conference.
  - i. Closing arguments.
  - j. Post-trial motions for relief.
  - k. Child custody hearing.
  - l. Proceedings in the Appeals Division.
  - m. Proceedings in the Traffic Division.

- n. Proceedings in the Juvenile Division.
  - o. Proceedings in the Probate Division.
  - p. Proceedings in the Landlord-Tenant and Small Claims matters.
7. 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, proposed orders and other legal memoranda in assigned cases.
2. Discuss assigned cases, issues and conclusions with the judge and staff attorneys.
3. Prepare preliminary drafts of orders and opinions in assigned cases, and review and discuss with the judge the final order or opinion.
4. Observe critically and discuss with judges their personal judicial philosophies and approach to decision-making.
5. Observe critically, discuss and compare the role of the judge in the judicial process and the perception of judges of their role.
6. Observe critically, discuss and compare the role of the staff attorneys (and externs) in the judicial process.
7. Consider critically and discuss in daily journals and weekly seminars the applied jurisprudence which has been observed.
8. Evaluate critically the technical competence, fairness and equality of the judicial decision-making process in light of the needs and aspirations of our society.