



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

ADVANCED LEGAL ANALYSIS

COURSE NUMBER LAW 832

SPRING - 2021

TUESDAY/THURSDAY *4:00 – 4:50 PM*

ONLINE

**PROF. DECARLOUS Y. SPEARMAN,
ASSOCIATE PROFESSOR**



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THE PROFESSOR

NAME: DECARLOUS Y. SPEARMAN

TELEPHONE: (713) 313-7328 office or (832) 722-3264 cellular

EMAIL: decarlous.spearman@tmslaw.tsu.edu

LOCATION:

Remote; contact decarlous.spearman@tmslaw.tsu.edu

CLASS HOURS: TUESDAY/THURSDAY *4:00 – 4:50 PM*

ONLINE

OFFICE HOURS:

TUESDAY 9:00 - 10:30 a.m. via Online

Thursday 9:00 - 10:30 a.m. via Online

Appointment preferred.

All Office Hours will be conducted via Zoom until further notice



NOTE FROM THE PROFESSOR: This Class is designed to help students develop their legal analysis and writing skills beyond the first- and second years writing experience. It consists of several parts—scholarly legal writing emphasizing the Analysis and Synthesis of Judicial Decisions, the Interpretation of Statutes and Constitutions, the skill of scholarly legal writing using clear, correct, concise, and complete language. The student will write two drafts of a work in progress research paper and a final paper. The final copy will comprise at least two-thirds of the final grade.



Additional Activities Added to In Class Sessions as well as Discussion Boards

This syllabus covers all the textbook reading assignments for the week. Students are expected to have read assignments prior to class and be ready to recite answers to questions posed while in class. Additional practice writing activities will be presented during class periods. Stay abreast by attending class on **Zoom, checking Blackboard and Lexis "Advanced Legal Analysis Fall 2021"**.

Technology Requirements for the Class

Students are expected to know and use basic technology requirements in this online course. Students must ensure they possess all requirements prior to the first day of class. Access to the Internet is a necessity. The student must be able to access **Blackboard** through the university's IT system as well as **Lexis Classroom** and **Zoom** for class meetings and office hours on Tuesdays and Thursdays. The student will also need the capability of speaking, hearing, and watching to participate in online class discussions and in the online office hours. A webcam is required for all phases of this class.



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COURSE BOOKS & MATERIAL

Required Text:

Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers, Fifth Edition, Authors: Elizabeth Fajans and Mary R. Falk, West Academic Publishing ISBN 978-1-68328-207-5

Legal Analysis: The Fundamental Skill, Third Edition, 2020. Authors: David S. Romantz and Kathleen Elliott Vinson, Carolina Academic Press, ISBN-13: 978-5310-1197-0

The Bluebook: A Uniform System of Citation (Columbia Law Review Ass'n et al. eds., **21st ed. 2020**). (Hereinafter, "The Bluebook") (NOTE: You need this book in the practice of law.)

Recommended Texts:

Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review, Fifth Edition. Author: Eugene Volokh, Foundation Press, ISBN 978-1-59941-195-8

Lost in Translation: Effective Legal Writing for the International Legal Community. Author: Kevin J. Fancil, LexisNexis

The Organized Lawyer, Second Edition. Author: Karen Lynn Anders, Carolina Academic Press ISBN 978-1-61163-400-6

Writing and Analysis in the Law, Seventh Edition Authors: Shapo, Walter, Fajans, Foundation Press



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**TEXAS SOUTHERN UNIVERSITY
ACADEMIC CALENDAR 2020 – 2021**

FALL SEMESTER 2020 (Modified 13-Week Schedule)

Orientation (online)	Mon-Fri	August 3 – 7, 2020
First Day of Class	Monday	August 10, 2020
Last Day to ADD/DROP	Wednesday	August 12, 2020
Labor Day (NO CLASSES)	Monday	September 7, 2020
<i>Purge of all unpaid course selections</i>	Monday	September 14, 2020
Mid Term Examinations	Mon – Fri	October 5-9, 2020
Last Day to Drop a Class with grade of "W"	Friday	October 30, 2020
Last Day of Classes	Wednesday	November 4, 2020
First Year Professors' Grades due	Wednesday	November 4, 2020
Reading Period (NO CLASS)	Thurs- Sun	November 5-8, 2020
Final Examinations	Mon – Thu	Nov 9 – 19, 2020
Commencement Exercises	Friday	November 20, 2020

SPRING SEMESTER 2021

SPRING SEMESTER 2021 (SEVENTY DAYS OF CLASSES)

First Day of Class	Monday	January 11, 2021
Last Day to ADD/DROP	Wednesday	January 13, 2021
M L K Holiday (No Classes)	Monday	January 18, 2021
<i>Purge of all unpaid course selections</i>	Wednesday	February 4, 2021
Mid Term Examinations	Mon – Friday	March 8– 12, 2021
Holiday (University Closed)	Thursday-Sunday	April 1 -4, 2021
Last Day to Drop a Class	Monday	April 5, 2021
Last Day of Classes	Wednesday	April 21, 2021
First Year Professors' Grades due	Wednesday	April 21, 2021
Reading Period (No Classes)	Thursday – Sunday	April 22 – 25, 2021
Final Examinations	Mon- Fri	April 26 – May 7, 2021
Hooding Ceremony	Friday	May 7, 2021
Commencement	Saturday	May 8, 2021

Please note that the calendar events and /or dates are subject to change.

Updated November 11, 2020



POLICIES & PROCEDURES

COURSE MANAGEMENT SYSTEM

- A. This class will be held on Zoom.
- B. This course will be placed in the LEXIS “Classroom”: course management system (hereinafter “Classroom”). Students are required to enroll in this course and are expected to regularly check the course page for updates, announcement, and changes.
- C. All-important course documents and information will be posted to the “Classroom” and updated as needed. Students should assume that versions of documents, are the most current versions.
- D. All assignments will be posted on the Classroom after they are given.
- E. Copies of PowerPoint slides used in class lectures will be posted to the “Classroom.”

ASSIGNMENT PENALTIES

- A. Late assignments will not be accepted and will receive a zero. The practice of law is a computerized profession; students are expected to be able to perform certain functions with their computer platforms of choice, including, but not limited to:
 - i. Make special characters with their word processors including “§”
 - ii. Take and insert screenshots into their word processing files.
- B. The first time you omit required information from an assignment you will be penalized through loss of points. All times afterward the assignment will be deemed incomplete.
- C. You are expected to abide by the Honor Code. (See *Student Rules and Regulations* for Further Details)
- D. Lawyers are always working against deadlines; therefore, extensions on due dates will NOT generally be granted. All requests for extensions must be made in writing by 4pm on the day BEFORE the assignment is due
- E. **Special Note for Law Students:** The Bluebook is primarily written for two types of users: academics and practitioners.
- F. The Whitepages provide rules for academic publications such as law review articles and research papers.
- G. The Bluepages set forth permissible deviations from the Whitepages that are designed to accommodate the needs of lawyers and law clerks. The Bluepages are used primarily for briefs, motions, memoranda, and opinions. For the most part, the Bluepages only provide examples of how a citation should look.
- J. For comprehensive discussions of the elements of a citation, you should refer to the corresponding Whitepages as cross-referenced in the Bluepages.



COVID-19 INFORMATION SHEET

HEALTH AND SAFETY ON CAMPUS

1. Students are expected to continuously self-screen for the symptoms of COVID-19. The Center for Disease Control has a list of COVID-19 symptoms: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. If you begin to show symptoms, notify your professor and leave the classroom. Limit contact with other individuals on campus and contact your healthcare provider for further guidance.
2. If, before coming to campus, a student starts exhibiting any symptoms of COVID-19 or does not feel well, the student should not attend class in person. The student should immediately notify the Assistant Dean for Student Development (virgie.mouton@tmslaw.tsu.edu) and attend classes online.
3. Students who have been sick with COVID-19 symptoms, tested positive for COVID-19, or have been potentially exposed to someone with COVID-19 should attend classes online until they are cleared by their healthcare provider. The following is taken from the TSU & Coronavirus FAQs, <http://www.tsu.edu/about/administration/marketing-and-communications/coronavirus/faqs.html>:

Those who have recently traveled internationally or believe they have been exposed to the virus and are experiencing influenza-like illness, with fever greater than 100.3, and symptoms, including cough, body aches, severe sore throat or runny nose, should seek medical attention, especially if symptoms worsen.

Students should contact TSU Health Services (713-313-7173) and identify themselves as having flu-like symptoms to obtain further recommendations and guidance. Students should also consult with their regular health care provider or seek treatment at a local health center if they are overseas. Please call ahead to your health care provider to notify them of the reason for your visit.

For additional information about COVID-19, including signs and symptoms, transmission and risk of exposure, and what to do if you are exhibiting symptoms, please refer to the resources section. The CDC's website and Texas Department of State Health Services (DSHS) will also issue guidance for those planning to travel or who have recently returned.



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4. While on campus and in classrooms, students should observe the rules for social distancing, social health etiquette, and general cleanliness.
 - a. Students should practice hand hygiene, cough etiquette, and general cleanliness.
 - b. Students should maintain at least 6 feet separation in all directions from other individuals.
 - c. Face coverings (over the nose and mouth) are required for all students. Students without a face covering will not be allowed to enter the classroom. Students with an approved exemption and who notify their professor before the start of class may be allowed to wear a face shield instead of a face mask.
 - d. Students should wash or disinfect their hands before each class and after any physical interaction with other persons in the classroom.
 - e. Students should maintain classroom cleanliness. Students should create a clean classroom environment by putting away unnecessary personal items and cleaning their seating area intermittently.
 - f. Students should not expect to enter the Law Building on a day other than the designated day for in-person attendance for an enrolled course. Entry will be permitted only if administration can determine that the maximum occupancy for COVID-19 social distance protocol has not been exceeded.
 - g. Students who do not comply with the rules for social distancing, social health etiquette, and general cleanliness may be subject to discipline up to expulsion from law school.



Campus Carry Policy

As you know, the State of Texas has recently passed legislation permitting you to carry a *concealed* firearm on campus if you have a concealed license permit recognized by the State of Texas, subject to the rules and regulations of Texas Southern University's ("TSU's) Campus Carry Policy. Under TSU's Campus Carry Policy, I have the right to designate my office as a gun-free zone.

I have elected to make my office a firearm-free space. Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun. (Conforme a la secció 30.06 Del Còdigo Penal (traspasar portando armas de fuego con licencia), personas con licencia bajo del sub-capitulo 411, Còdigo Del Gobierno (ley de portar armas), no deben entrar a esta propiedad portando un arma de fuego ocultada.)

For a complete list of the gun-free zones on this campus and the rules governing campus carry at our institution, please visit Texas Southern University's website at <http://www.tsu.edu/>. Please note that entering a gun-free zone on campus with a firearm, including inside my office, could not only lead to criminal prosecution but suspension or expulsion from school.



COURSE DESCRIPTION & OBJECTIVE

DESCRIPTION:

This Class is designed to help students develop their legal analysis and writing skills beyond the first and second years writing experience. It consists of several parts—scholarly legal writing emphasizing the Analysis and Synthesis of Judicial Decisions, the Interpretation of Statutes and Constitutions, and the skill of scholarly legal writing using clear, correct, concise, and complete language. The student will write two drafts of a work in progress research paper and a final paper. The final copy will comprise at least two-thirds of the final grade. *Student Rules and Regulations, Article III, Section 2 (B) (1), p. 9.*

OBJECTIVE:

The student will be able to effectively write a scholarly legal paper consisting of a minimum of 20 double spaced typewritten pages, a minimum of 75 endnotes, and a minimum of 10 primary legal authorities.

Goals:

1. Students will develop advanced foundational lawyering skills
2. Students will demonstrate the ability to competently apply core legal knowledge to resolve legal issues.
3. Students will demonstrate skills needed for legal practice.
4. Students will demonstrate professionalism

STUDENT LEARNING OUTCOMES

Course Final Outcome: Students will identify a current legal problem, research legal sources to find possible legal remedies, analyze possible solutions, formulate a legal means of resolving the legal problem while addressing the pros and cons of the resolution, and form a legal recommendation to resolve the legal problem.

Outcome 1: Students will demonstrate the ability to think critically by accurately identifying a legal problem and formulating, a legal solution to that problem. The student will identify the controlling legal rules, apply those rules to the facts, analyze and reach a legal resolution to the problem.

Outcome 2. Students will learn how to track billable hours when working a client's case and, adapt those principles to keeping a Time Log while working on the writing the scholarly legal article.

Outcome 3. Students will demonstrate the ability to conduct relevant legal research of primary and secondary authorities related to the identified legal problem and its possible solution.

Outcome 4. Students will analyze and synthesize information to develop a thesis stating a legal problem with a legal solution.

Outcome 5: Students will use inductive and deductive reasoning to craft arguments in support of resolving issues, while anticipating opposing arguments and demonstrating the futility of the opposition.

Outcome 6: Students will demonstrate the ability to write critically by organizing and expressing persuasive arguments with precision and clarity supported by proper legal authorities.

Objective 7. Students will write a 20-page scholarly legal paper using proper attributions and citations to persuade the audience to adapt a proposed solution to a problem or a reason to uphold the status quo.

Objective 8. Students will deliver an oral presentation in defense of his/her written paper.

Learning Goals to Fulfill Learning Objectives

1. Identify the characteristics of a scholarly legal paper.
2. Form a thesis statement identifying a legal item of controversy and proposing a legal remedy to resolve the controversy.
3. Evaluate and synthesize research to craft arguments in support of solutions to a problem.
4. Demonstrate the ability to reason by analogy and engage in deductive and inductive reasoning.
5. Construct a detailed sentence outline of a scholarly legal paper, using applicable sources within the outline.
6. Demonstrate competence in reading and analyzing opinions, statutes, and constitutions.
7. Use critical thinking to formulate new ideas to solve problems or defend the status quo.
8. Use inductive and deductive reasoning to analyze research.
9. Correctly cite sources using the Bluebook to indicate the precise source of information.
10. Follow a specified template in preparing a final scholarly legal paper.
11. Construct a properly organized scholarly legal paper.
12. Write two drafts of the scholarly legal paper and submit for critiques.
13. Use the critiques to revise or enhance writing the drafts and a final paper.
14. Deliver an oral presentation defending his/her position in the paper.
15. Submit a final version of his/her scholarly legal paper meeting all the above criteria.

GRADING

Submission	2021	+ points	- points	Total Possible Points
Thesis Statement	January 12-14	2	2	2
In Class Writings	Varies, See Schedule	3	3	3
Draft I Due	February 5	5 (5 pp. min)	5	5
Draft II Due	March 9	10 (10 pp. min)	10	10
Final Paper Due	April 20	70	70	70
Oral Presentations	March 23, 25, 30, and April 1 (schedule signup)	10	10	10
Total		100 points		100 points
Class Participation Extra Credit	Assignments Time Logs Class Recitation	10	10	+10 <hr style="width: 10%; margin: 0 auto;"/> 110

LAW SCHOOL AND UNIVERSITY SERVICES

TMSL ACCOMMODATIONS

Students with disabilities who require accommodations must self-identify those needs to the Assistant Dean for Student Development.

University Counseling Center. The Center is committed to addressing the Behavioral Health and Wellness needs of all TSU students. If you are dealing with concerns such as depression, anxiety, time management, anger management, substance use, or troubles adjusting to college life, do not suffer alone. The University Counseling Center is here to assist you reach your academic and personal goals. The facility is in the Student Health Center. Appointments can be made by calling **713-313-7804**. Attending the University Counseling Center is confidential and does not become a part of your student record.

Student Health Services <http://students.tsu.edu/departments/health-services/staff/>
(When campus reopens)

- Care for acute illnesses /injuries
- Asthma Management
- HIV and STI Testing
- Health Education
- Health Promotion
- Vision Screening
- Mental Health Referrals
- TB Skin Testing
- Seasonal Flu Shots

University Recreation Center <http://campusrec.tsu.edu/>

- All currently enrolled students have access to the Recreation Center. To activate your membership, bring your ID to the REC Center and register (When campus reopens)

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

CLASS ATTENDANCE

Roll is taken at the beginning of class. If you are not present when the roll is called, you will be marked absent. If you are present and leave class without permission, whether you return or not, you will be marked absent. You are expected to attend class for the full 60 minutes allotted. Reduction in final grade: for excessive absences--*Student Rules and Regulations Article III, § 9, p.21*. A list of students with excessive absences and their number of absences will be submitted to the Office of the Dean, where that office will determine the deduction of grades prior to final posting.

LAST DAY TO DROP THIS CLASS – Seminar Limited Drop

Wednesday, **January 13, 2021**. *Student Rules and Regulations, Article III (c), p.8.*

PAPER REQUIREMENTS

20 double spaced typewritten pages, excluding cover sheet, Table of Contents, Table of Authorities, Endnotes, Honor Code Statement, Appendix (if applicable)

12-point Times New Roman font, 1-inch margins on all sides

75 minimum endnotes

10 minimum primary legal sources

PAPER SUBMISSIONS: First DRAFT, First Second DRAFT, FINAL PAPER

(1) Send electronic copy to me: decarlous.spearman@tmslaw.tsu.edu

(2) On or before 4 p.m. on submission date.

Drafts Due: On or before 4:00 p.m. on dates designated.

First DRAFT	February 5
Second DRAFT	March 9
FINAL PAPER	April 20

ORAL PRESENTATIONS: SIGN UP: 10-minute presentation.

ZOOM INFORMATION

**Every Week on Monday and Wednesday, beginning on Monday January 11 –
Wednesday, April 21, 2021 from 4:00 p.m. – 4:50 p.m. CST:**

Jan 11	March 2
Jan 13	March 4
Jan 20	March 9
Jan 26	March 11
Jan 28	March 16
Feb 2	March 23
Feb 4	March 25
	March 30
	April 1
Feb 11	April 6
Feb 16	April 8
Feb 18	April 13
Feb 23	April 15
Feb 25	April 20

Join Zoom Meeting

<https://zoom.us/j/9382544788>

Meeting ID: 938 254 4788

One tap mobile

+13462487799,,9382544788# US
(Houston)

+12532158782,,9382544788# US
(Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)
+1 669 900 9128 US (San Jose)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington

D.C)

+1 312 626 6799 US (Chicago)

Meeting ID: 938 254 4788

Find your local number:

<https://zoom.us/u/agqFIS3jp>

WEEKLY SCHEDULE

<p>Final Paper</p>	<p>Write a Scholarly Legal Article of Law Review Quality</p>	<p>Due on or before 4 pm Tuesday, April 20, 2021</p>
<p>January 12</p> <p>Parameters of Law 832</p> <p>Identifying a legal problem, formulating a legal solution</p> <p>Learning the principles of Creating a Time Log and applying to this course</p> <p>Devising a Research Plan</p> <p>conducting preliminary research</p>	<p>Understanding Advanced Legal Analysis (HO)</p> <p>Billable Hours (HO, PP)</p> <p>Creating a Time Log</p> <p>Legal Problem + Legal Solution</p> <p>Seminar Paper Rubric</p> <p>Assignment: Nine assigned Lexis Modules—1 due each day</p> <p>Characteristics of a Scholarly Legal Paper</p>	<p>←Outcome 2</p> <p>←Outcome 1</p> <p>Appendix D, Fajans p. 255</p> <p>←Outcome3</p>
<p>January 14</p> <p>Pull these articles and brief them completely before class!</p> <ol style="list-style-type: none"> 1. Identify the Problem and Solution in the following law review articles 2. Identify parts of the law review articles 3. Create Outlines of the law review articles 4. Comparing and Contrasting Law Review Styles (HO) 	<p>Judging GINA: Does Genetic Information Nondiscrimination Act of 2008 Offer Adequate Protection?</p> <p>The Transformative Nature of Blogs and their Effects on Scholarship FN 16, Ch 1, Fajans</p> <p>Black and White and Read All Over: Press Protection After Branzburg FN 18, Ch 1, Fajans</p>	<p>Outcome 1</p> <p>75 BROOKLYN L. REV. 545 2009</p> <p>2009 CARDOZO L. REV. DE NOVO 252</p> <p>57 DUKE L J. 199 (2007)</p>
<p>January 19</p>	<p>In-Class Writing Assignment</p>	<p>Law Review Article</p>
<p>January 21</p>	<p>Scholarly Writing for Law Students: Seminar Papers,</p>	<p>Fajans, Chapter 1 pages 1 -15</p>

	<p>Journal Articles, and Competition Papers</p> <p>CALI Lessons</p> <p>Legal Analysis The Fundamental Skill</p>	<p>Outcome 3</p> <p>↓</p> <p>Romantz, Chapter 1 pages 1-16</p>
January 26	<p>Explorations: Choosing and Narrowing a Topic</p> <p>Rules: Enacted Laws, Case Laws, and Tests</p>	<p>Outcome 1 ↓</p> <p>Fajans, Chapter 2 pgs. 17- 26</p> <p>Outcome 3 ↓</p> <p>Romantz, Chapter 2 pgs. 17-30</p>
January 28	<p>Finding and Developing a Thesis</p> <p>Inductive Analysis and Analogical Reasoning</p>	<p>Outcome 4</p> <p>Fajans, Chapter 3 pgs. 27- 62</p> <p>Outcome 5</p> <p>Romantz, Chapter 3 pgs. 31 – 54</p>
February 2	In Class Writing Assignment	Foundations of Legal Analysis
February 4	Writing Day – No class	
February 5	Draft I Due	
February 9*	<p>The Mostly Research Stage</p> <p>Outcome 3</p> <p>The Writing Process: Getting It Down on Paper</p>	<p>Fajans, Chapter 4 pgs. 63 – 73</p> <p>Fajans, Chapter 5 pgs. 75 - 92</p>
February 11	<p>Outcome 6</p> <p>The Writing Process: Revising and Polishing</p> <p>Deductive Analysis & Rule - based Reasoning</p>	<p>Outcome 5</p> <p>Fajans, Chapter 6 pgs. 93 - 118</p> <p>Romantz, Chapter 4 pgs. 55 - 70</p>

February 16	Footnotes and Ethical Use of Borrowed Materials Citation Station Lexis	Fajans, Chapter 7 pgs. 119 – 141
February 18	In Class Writing Assignment	Attribution
February 23	Writing with Care	Fajans, Chapter 8 pgs. 143 - 163
February 25	Policy-based Reasoning and Other Considerations	Romantz, Chapter 6 pgs. 85-98
March 2	The Legal Argument CREAC	Romantz, Chapter 7 pgs. 99-121
March 4	Writing Day-No Class	
<u>March 9</u>	Draft II Due	First Five Pages Corrected + Additional Five Pages = 10 pages
March 11	Statutory Analysis	Romantz, Chapter 5 pgs. 71 – 83
March 16	Writing with Style Evaluating and Editing the Work of Others	Fajans, Chapter 9 pgs. 165 – 185 Fajans, Chapter 10 pgs. 187 – 216
March 15	In Class Writing Assignment	Evaluating Writing of Others
March 20	Oral Presentations	
March 22	Oral Presentations	
March 27	Oral Presentations	
March 29	Oral Presentations	
April 3	Oral Presentations	
<u>April 20, 2021</u>	Final Paper Due Last Day of Class (Tuesday April 20, 2021)	

Format for Each Class

1. Sign the roster.
2. Student summarizes the discussion points and skills from the previous class.
3. Professor introduces concepts and skills for the class discussion.
4. Major and minor points of today's discussion.
5. Students write answers to problems posed by the day's discussion to illustrate knowledge of the skill.
6. Students submit copy of the day's assignment by email to professor, who reviews and returns to students.
7. Assignment: Student will read the text's assignment for the next class and be prepared to discuss the subject matter.

CLASS NOTES OUTLINE
LAW 832
ADVANCED LEGAL ANALYSIS
PROF. DECARLOUS Y. SPEARMAN

1. Summary of previous class skills

2. Skills to be addressed today

Examples illustrating use of these skills.

3. Reflection of Major Points Discussed Today and how I will use these in researching and writing the contents of my paper.