



TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL *of* LAW

LAWYERING PROCESS II

COURSE No. 930

SECTIONS 2 AND 7

SPRING 2023

## **COURSE GUIDELINES AND SYLLABUS**

### CLASS TIMES

TUESDAY AND THURSDAY

SECTION 2: 9:00-9:50 A.M. IN ROOM 106

SECTION 7: 11:00-11:50 A.M. IN ROOM 206

PROFESSOR CHERYL GRIFFIN CASH

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## THE PROFESSOR AND OFFICE HOURS

**NAME:** Cheryl Griffin Cash  
**EMAIL:** Cheryl.cash@tsu.edu  
**PHONE NUMBER:** 713.313.7394  
**ZOOM MEETING ID:** TBA  
**OFFICE:** 236F  
**OFFICE HOURS:** Tuesday and Thursday 10:00-11:00 a.m.; 1:00-2:00 p.m.  
(All other times by appointment only)

### OFFICE HOURS:

Office hours will be in-person unless I tell you otherwise. If I have virtual office hours, I will have a Zoom meeting open (meeting ID: 713-555-4321) during office hours. If you find yourself in the waiting room during Zoom office hours, that means I am meeting with another student and will get to you as soon as possible. You may also set up a specific meeting time with me, either during office hours or at another time if my office hours do not work for you.

### CLASS FORMAT:

Like last semester, I will use TWEN for classroom management, including email, posting course materials, assignment turn-in, and posting grades. **You must sign up for my Lawyering Process II Spring TWEN page for sections 2 and 7.**

### NOTE FROM THE PROFESSOR:

Welcome back! I look forward to working with you this semester. My goal is for you to succeed. If you are having a hard time with the course material, please reach out to me.

Email is the best way to reach me. You can email me anytime, and I will reply to you as soon as possible. If you email a question about class material or assignments, I may need to respond to the entire class so that everyone has equal access to information. In that event, I will not identify the student who posed the question.

## COURSE BOOKS AND MATERIALS

### **The *required* materials for this course are:**

1. Coughlin, Malmud, & Patrick, A Lawyer Writes, 3rd Edition
2. The Bluebook: A Uniform System of Citation, 21st Edition
3. Texas Rules of Form (Greenbook), 15th Edition
4. 5. Lawyering Process II Spring Course Reader (a compilation of materials I will provide by PDF on TWEN)

### **The highly recommended textbooks for this course are:**

5. Garner, The Redbook: A Manual on Legal Style, 4th Edition
6. Black's Law Dictionary

These books are available at Texas Southern University's Bookstore in the Student Life Center. Some of the books are also available from other sources, such as Amazon. Make sure you check the edition number to purchase the correct book (you may not use an old edition). If you have not already done so, you should purchase the required books right away. We will be using some of them immediately.

Occasionally, I will post required course materials on TWEN. I strongly suggest that you get a large three-ringed binder to keep all class materials organized.

## COURSE DESCRIPTION AND OBJECTIVES

The primary goal of this course is to teach you basic lawyering skills that are critical to the lawyering process. We will build on the concepts and skills you learned and practiced during the fall semester and continue to refine your legal analysis skills. In addition, you will learn how to serve and write as an advocate representing one side in a dispute; your purpose will not be to explore but to persuade the court to decide the case for your client.

By the end of this course, you should be on your way to being practice-ready, meaning you should be able to perform any legal task typically assigned to a first-year law student intern, including interpreting applicable law, thoroughly applying that law to any set of facts, and conveying a well-reasoned analysis in a legal document.

In general, this course will focus on the basics of the following skills:

1. **Legal analysis and writing.** Coursework will include reading cases, narrowing and expanding holdings, using and distinguishing precedent, synthesizing cases, identifying legal issues, applying law to facts, interpreting statutes, developing and evaluating legal arguments, and writing objective or predictive analyses. This semester we will focus on persuasive legal writing.
2. **General writing skills.** Students will learn the importance of being able to communicate in writing competently with correct spelling, punctuation, word choice, and phrasing. Students will continue to work on writing skills, style, and grammar rules to produce well-written legal documents that are clear and concise.
3. **Critical reading and thinking.** Students will learn to read and understand judicial opinions and the impact the opinions may have on future cases, using the case analysis skills discussed above. Students will also learn to interpret statutes.
4. **Citation skills.** Students will learn proper Bluebook and Greenbook citation form.
5. **Professionalism.** Students will learn to recognize professional responsibility in legal writing, and to show professional courtesy by being on time, prepared for class, respectful to classmates and the professor, and timely submitting assignments.

## STUDENT LEARNING OUTCOMES

The following list provides a more detailed description of the student learning outcomes and objectives for this course. This list reflects the key lawyering skills that you acquired during the fall semester in Lawyering Process I, and will continue to learn, develop, and practice during the spring semester in Lawyering Process II. You will continue to improve these skills in your second and third years of law school.

1. **Understanding of the United States Legal System.** Students will be able to:
  - 1.1 Understand the federal and state court systems (with emphasis on the Texas courts) and how they relate to each other;
  - 1.2 Understand how to distinguish between primary, secondary, mandatory, and persuasive authority.
2. **Critical Reading and Thinking.** Students will be able to:
  - 2.1 Read, understand, and evaluate cases by:
    - 2.1.1 Identifying the elements of a reported opinion—procedural facts, legally relevant facts, issue, holding, reasoning, policies, legal rules, and disposition;
    - 2.1.2 Synthesizing a line of related opinions;
  - 2.2 Read, understand, and evaluate statutes and regulations.
3. **Professionalism.** Students will be able to:
  - 3.1 Understand a lawyer’s professional responsibility as it relates to legal communications;
  - 3.2 Recognize and address ethical issues and responsibilities in legal writing.
4. **Legal Problem Solving.** Students will be able to:
  - 4.1 Identify and analyze legal issues in simple and complex fact situations;
  - 4.2 Identify the relevant controlling and advisory legal authority and policy, and properly cite to legal authority;
  - 4.3 Use their understanding of relevant legal authority to predict answers to the legal issues or questions presented;
  - 4.4 Identify potential alternatives to achieve the client’s goal;
  - 4.5 Identify unresolved legal and factual issues.

5. **Legal Analysis.** Students will be able to make effective legal arguments by:
  - 5.1 Identifying the legal issues;
  - 5.2 Identifying the relevant facts, authority (cases, statutes, and/or regulations), and policy;
  - 5.3 Developing, evaluating, and elaborating on legal theories relevant to the client's situation;
  - 5.4 Accurately formulating and applying authority and rules (or principles of law) to the client's situation;
  - 5.5 Supporting the client's position by analogizing to favorable facts, authority, and policy;
  - 5.6 Supporting the client's position by distinguishing unfavorable facts, authority, and policy from the client's position;
  - 5.7 Articulating clear inferences for factual support.
  
6. **Legal Writing.** Students will be able to:
  - 6.1 Identify the need and purpose of legal documents, assess the perspective of the communication's recipient, and use reliable communication practices and principles;
  - 6.2 Communicate and explain their analysis and position effectively in writing to colleagues, supervisors, clients, or judges by:
    - 6.2.1 Organizing and expressing ideas with precision, clarity, logic, and economy;
    - 6.2.2 Using proper grammar, syntax, and punctuation.
  - 6.3 Draft the following legal documents that communicate clearly and comply with applicable rules and formatting requirements:
    - 6.3.1 Client letter and client email;
    - 6.3.2 Multi-State Performance Test exercises; and
    - 6.3.3 Persuasive litigation briefs.

## GRADING

1. **Course Format.** Lawyering Process II is a two-credit hour course. The course consists of two basic components: legal analysis and legal writing.

2. **Grade Components.** Grades for this class will be based on the cumulative total of the scores received for the following:

• Writing Assignment 1	200 points
• Writing Assignment 2	400 points
• Client Letter	50 points
• MPT	50 points
• Statutory Interpretation Quiz	50 points
• Other Assignments (total)	200 points
• Participation, Professionalism, and Attendance	<u>50 points</u>

TOTAL: 1000 points

3. **“Other Assignments”** include, but are not limited to, legal analysis exercises, citation assignments, case charts, and quizzes. I have allocated 200 points for this category. If we end up not using all these points, everyone will receive those remaining points.

4. **Participation, Professionalism, and Attendance.** Class participation and attendance will be considered in determining your final course grade. “Participation, Professionalism, and Attentiveness” points (“PPA points”) **will be deducted** for the following: being unprepared for class; not actively participating in class discussions or exercises; being disrespectful to me or your classmates (for example, talking or looking at your phone when one of us is speaking); missing a scheduled or mandatory conference with me without providing adequate notice beforehand (at least 24 hours before the scheduled meeting except in emergency situations); failing to timely sign up for a mandatory conference as instructed; writing the wrong exam number on an anonymous assignment; excessive tardiness; and displaying immature or unprofessional conduct. Examples of “immature or unprofessional conduct” include but are not limited to: sighing out loud in class or making other inappropriate outbursts; walking in and out of class after instruction has begun (unless you have a medical problem and have received an accommodation from the Dean of Students); permitting your cell phone or other electronic device to ring during class; viewing material on your laptop or smart electronic device unrelated to class; using profanity or offensive language during class; and engaging in a verbal/physical altercation in my presence. Generally, in gauging what constitutes unprofessional behavior, consider whether your conduct would be acceptable in a court of law. If it would not be tolerated, please do not do it in my classroom.



**5. Mandatory Curve.** All LP classes are required to adhere to the following mandatory curve, as reflected in the current Student Rules and Regulations:

**A: 10-13%**

**B: 25-34%**

**C: 35-45%**

**D/F: 0-08%**

Please note that the only way for these ranges to add up to 100 is to award the maximum in each category, such that 53% of the class receives a grade of “C” or below. As you consider a reasonable grade outcome for this class, please keep this in mind.

## **ACCOMMODATIONS AND EMERGENCIES**

The TMSL administrative process for student accommodations will be carried out by the TSU Student Accessibility Services Office (SASO). SASO specializes in accommodation services and will provide efficient and professional services to Thurgood Law students who may need accommodations.

### **New Accommodation Requests**

1. Students must have a diagnosed disability and authentic documentation to apply for services.
2. Once the applicant's disability information is received, SASO will contact the student to schedule an intake appointment for the student to self-report any disability challenges and barriers associated with the condition that impacts functioning abilities in the learning environment.
3. SASO will next determine the student's eligibility status and accommodation plan based on the disability, historical documentation, and self-reporting data. SASO will send a notification letter indicating the applicant's service status. The notification letter requires the applicant's signature.
4. Upon receipt of the signed notification letter, SASO will forward a copy of the accommodation letter to the student, with instruction on how to complete the accommodation process.
5. Students must meet with each instructor to discuss how accommodations will be implemented. The student and instructor must sign the accommodation letter. The student will return a copy of the signed accommodation letter to SASO electronically. The signed accommodation letter is used for advocacy purposes if accommodation concerns are reported.

## **COVID-Related Accommodations**

COVID-related protocols for the Spring 2023 academic term will support the quarantine time range for students who test positive or are exposed to COVID during the Spring 2023 semester. Documentation is required.

1. COVID accommodations will be processed for those who report testing positive for exposure to COVID. Documentation is required.
2. Students will quarantine according to CDC recommendations.
3. Students must submit Release of Care documentation from a licensed health care professional to Student Accessibility Services Office (SASO), return to class, and discuss missed assignment/exam make up plans with Instructors. Students will not engage in class activities during the quarantine period.
4. Students must communicate if more time is needed. Documentation is required to support additional time needs.

Instructors cannot re-teach the course for excessive absences. Students are encouraged to seek assistance from the instructor and pursue tutoring. Students should engage in self-study during the absence time.

Accommodation services are not to fundamentally alter course formats, requirements, standards, or guidelines. Consequently, no remote or online attendance or learning modalities will occur for in-person courses for the Spring 2023 academic term.

If you have questions, please contact SASO via email [DisabilityServices@tsu.edu](mailto:DisabilityServices@tsu.edu) or phone 713.313.4210.

## WELLNESS RESOURCES

Law school is hard. If you are struggling, I encourage you to seek help. If you see someone else struggling, encourage that person to reach out. We must take care of ourselves and each other.

Associate Dean Ratra works with students to resolve issues that might impact their course of study. You can reach her by calling or stopping into the Dean's suite or by email at [miami.ratra@tsu.edu](mailto:miami.ratra@tsu.edu).

As part of your tuition, TSU's University Counseling Center (in the Student Health Center) offers confidential counseling and support, crisis intervention, grief counseling, outreach, and referral services to all enrolled students. Contact the counseling center through <http://students.tsu.edu/departments/university-counseling-center/> or by calling 713.313.7804 during business hours (Monday-Friday, 8:00 a.m.-5:00 p.m.). For an emergency after business hours, call 911. For a non-emergency crisis after business hours, call 713.313.7863.

The Texas Lawyers Assistance Program from the State Bar of Texas is an amazing resource, not only for practicing lawyers but specifically for law students as well. TLAP offers confidential crisis counseling, referrals, and peer assistance relating to alcohol and drug abuse, mental health issues, and wellness. Contact TLAP through <https://www.tlaphelps.org> or by calling 800.343.8527 (available 24/7).

I am available if you need a sounding board or have any other type of problem you need to discuss. Please come to office hours or email me.

## COURSE POLICIES AND PROCEDURES

### 1. Class Preparation

To maximize your learning experience, you should complete the reading and writing assignments in the Syllabus no later than the date the assignments are due. For instance, if under the date “Tuesday, January 10, 2023,” it says read pages 285-305 in A Lawyer Writes, you should have done this reading before class on that day. Please note that reading and writing assignments are subject to change, and sufficient notice will be given in advance for any alterations to assignments.

### 2. Exam Numbers

**You must use an exam number when submitting certain assignments for this class.** You must adhere to the instructions given with each assignment. You can obtain exam numbers from the Registrar’s Office. Any changes to the exam number policy or schedule will be announced in class, sent by e-mail, or posted on TWEN. You will not need an exam number to post your daily assignments unless I tell you otherwise.

### 3. Writing Assignments

3.1 **Overview of Major Writing Assignments.** You will complete two major writing assignments in the spring semester—Writing Assignments 1 and 2. Both will be persuasive litigation briefs. You must use an **anonymous exam number** when submitting each of these assignments. **DO NOT** put your name on these writing assignments so that we may preserve your anonymity during the grading process. Also, remember that you must comply with all formatting requirements for each of these assignments.

For Writing Assignment 1, you will generally be graded both on form and substance. You must complete this assignment to the very best of your ability, and I will provide detailed, individualized critique on it. Following Writing Assignment 1, you will attend a mandatory conference with me to discuss the assignment and your progress in this course. Writing Assignment 2 will also be graded both on form and substance. Writing Assignment 2 will be your final performance exam in Lawyering Process II; thus, you may not receive as much individualized critique on this assignment.

3.2 **Shorter Writing Assignments.** In addition to your major writing assignments, you will complete shorter writing assignments that will help develop your analytical and writing skills. Some of these assignments may be given in class under timed conditions. Hard work on these shorter, lower-point assignments will help prepare you for the higher-stakes major writing assignments.

3.3 **In-Class, Timed Multistate Performance Test.** You will also complete an in-class timed MPT so that you can become familiar with bar exam assessments.

#### 4. Assessment

This course is designed to help you acquire and develop the skills to practice law effectively, efficiently, and ethically. To help you meet that goal, I have designed assignments to allow you to practice a skill, analyze your own strengths and weaknesses according to individualized critique and in-class discussion, and then refine your skills as the semester progresses. In this way, the course mirrors what you will experience in practice, whether as an intern or as a recent graduate.

4.1 **Faculty Assessment.** Just as in practice, you will encounter three basic ways to assess and thereby improve upon your work. First, you will receive written and verbal assessments from me. I will provide individual, written critique on Writing Assignment 1, and we will discuss common problems on this assignment in class. I will also provide critique in mandatory individual conferences after Writing Assignment 1 and any other time upon request. You will receive comments on Writing Assignment 2 as well, though these comments will not be as extensive as on Writing Assignment 1, as it is your final exam. Throughout the semester, I will provide individual and group critique on various other practice exercises and shorter writing assignments. You may revise any assignment for additional critique (but no points credit).

4.2 **Writing Advisor Assessment.** You may at times receive individualized written or oral critique on exercises from one of my writing advisors. If you feel that a writing advisor has provided advice that is inconsistent with something that I have said in class, you should defer to me. You are ultimately responsible for your own work; thus, if you are presented with conflicting advice, it is your responsibility to seek clarification from me.

4.3 **Peer Assessment.** Our class will engage in peer assessment. You will have the opportunity to receive comments from your classmates in a variety of ways throughout the semester. We will engage in some peer review and critique exercises, collaborative writing assignments, and group discussions throughout the year.

4.4 **Self-Assessment.** Finally, and perhaps most importantly, you will engage in self-assessment. In response to faculty and peer assessment, you will assess your work to reflect on your development and adjust where necessary. I will provide other opportunities for self-assessment as well. For example, I will provide writing samples and checklists designed to help you edit and refine your work by comparing your work to the exemplars. Likewise, I may at times provide model answers or annotated responses to short writing exercises for which you did not receive individualized or group critique. As with the other forms of self-assessment, it will be up to you to make the most of this type of assessment.

#### 5. Paper Formatting Requirements

The following formatting requirements for this course are based on the general rules for filing documents in most state and federal courts and apply to the major writing assignments, namely Writing Assignments 1 and 2. I will strictly enforce format requirements to ensure that all students have an equal amount of space in which to convey ideas and learn from mistakes. **You will lose points for violating these formatting requirements.** These formatting requirements will also help preserve your anonymity on the papers. If you have any questions

regarding these guidelines or the guidelines on any individual assignments, please ask me. The formatting requirements are as follows:

5.1 **Microsoft Word.** All documents must be typed using Microsoft Word and uploaded to TWEN as a Word file. Do not upload an assignment as a .pdf.

5.2 **Type Font.** All documents must be typed in Times New Roman font and, if a physical copy is turned in, submitted on plain white, 8-1/2 x 11-inch paper (double-sided preferred).

5.3 **Font size.** The font size must be 12-point font and footnotes (if any) may be no smaller than 10-point font.

5.4 **Header and Footer Font.** Headers and footers (including page numbers) must be in the proper font type and size as well.

5.5 **Margins.** Papers must have one-inch margins on both sides and at the top and bottom. This means no typing of any sort should be in the one-inch white space of the margins.

5.6 **Spacing.** Text must be double-spaced. Footnotes, block quotes, and headings must be single-spaced.

5.7 **Spacing Between Sentences.** Some legal writers prefer one space between sentences, and others prefer two. By spacing between sentences, I mean how many times you hit the space bar after the sentence concludes. I have found that many lawyers and judges prefer two spaces. You may choose whether to use one space or two between sentences, but whichever you choose, you must be consistent. You will lose points for inconsistency. Note, this includes the spacing between citation sentences.

5.8 **Tabs.** Tabs, such as those used to begin a new paragraph, must be one-half inch in length. Every new paragraph must have a paragraph indentation.

5.9 **Page Numbers.** Each assignment must be consecutively paginated at the bottom of each page (centered).

5.10 **Left Justification.** Papers should be left-justified (not centered).

5.11 **Remove Meta Data.** Please remove individually identifying meta data from any document you electronically turn in to preserve the anonymity of the grading process.

5.12 **Editing.** Print a hard copy of your assignment and check to verify compliance with these format requirements.

5.13 **Printed Copies.** You are required to turn in printed copies of some assignments. If a hard copy of your assignment is turned in, all pages of the assignment must be stapled together (in the upper left-hand corner).

## 6. Consequences for Late or Over-Length Assignments

6.1 **Late Submission of Assignments.** Because failure to timely submit a legal document in real life can have detrimental, irreversible, and sometimes fatal consequences, it is important to learn early in your legal education the importance of submitting assignments on time. Please turn in assignments on time to avoid serious damage to your grade.

You must upload most, if not all, of your assignments on TWEN. Whenever you have successfully uploaded a document to TWEN, you will receive an email confirmation from TWEN. If you do not receive this confirmation, this means that your document has not been successfully uploaded and you need to try it again. Accordingly, do not wait until the very last minute to submit an assignment online, as this could result in a late submission for the assignment. Finally, it is your responsibility to prove that you submitted an assignment on TWEN by the deadline; thus, for your own protection, you should save your TWEN confirmation emails.

In the practice of law, lateness has serious consequences. Similarly, lateness will have serious consequences in class. If an assignment is turned in less than one hour late, 5% of the available points will be deducted before any other deductions. If an assignment is turned in more than one hour late but less than twenty-four hours, an additional 10% will be deducted before any other deductions. Accordingly, there will be a 15% late penalty for papers more than one-hour late on the first day. Each subsequent day will receive an additional 10% penalty until no points remain. **Assignments will not be accepted that are submitted more than three (3) days after the due date and time.**

**6.2 Submission of Over-Length Writing Assignments.** Each major writing assignment will have a maximum page limit that I will enforce strictly. **For each page or portion of a page that exceeds the page limit, you will receive a 5% reduction in your grade.** In addition, I will not review any pages that exceed the page limit. If your paper does not comply with the font or margin requirement, I will consider it to have exceeded the page limit and will adjust the score for the assignment accordingly. Furthermore, you will lose additional points on a writing assignment for any other violations of the formatting rules. Please review these rules carefully.

**6.3 Submitting an Assignment Multiple Times.** If you submit an assignment multiple times, I will grade only the version turned in last. If the last submission is late, the assignment will be considered late, and I will deduct points accordingly.

## **7. Attendance**

**Class attendance is mandatory.** You have five (5) minute grace period this semester, after 5 minutes you will be marked absent. I will take attendance at the beginning of each class. Student Rules and Regulations provide that students are permitted two absences for this two-hour course. Tardiness will not be permitted and will be considered an absence, as will dismissal from class for misconduct or lack of proper preparation. Please see the Student Rules and Regulations for information on grade reduction and further details on absences. The class attendance rule is strictly enforced. In addition, please review the Covid-19 Policy (page 18) for further information regarding the Attendance Policy.

## **8. Collaboration**

You may discuss some of your assignments with your colleagues **in your section** of Lawyering Process II. You are all likely to learn from each other and will benefit more from the course if you approach it in a collegial manner. Indeed, this is consistent with the real-life-

practice of law, as it is not uncommon to discuss and test some ideas with colleagues. However, your final written product on all assignments must be your own. Moreover, **no person can review or revise your work—this includes writing advisors, classmates, family members, lawyers, writing labs or student resources (either on the TMSL or main campus), and every other person.** When you are writing or outlining your writing assignments, you may not work directly with another person and you may not discuss specific language you are putting on paper, the precise structure of your writing, or any other details of your writing assignment. I should never see two papers that make the exact same arguments, follow an identical substructure, have substantially identical sentences, etc. Further, **you may not use documents provided in any other LP sections while working on your assignments. Collaborating with students outside of your section or using any materials not provided by me will be considered a violation of this collaboration policy and will subject your assignment to a penalty.** The matter may also be forwarded to the Dean for appropriate action. In addition, you may receive zero points for that assignment and may receive an F in the course on this basis alone, regardless of your points on other assignments.

I will inform you when collaboration within your LP section on an assignment is permitted. If I do not announce that you may discuss your assignment with your colleagues, you are to assume that collaboration with them (or anyone else for that matter) is not allowed. Exchanging ideas with others on an assignment where collaboration is prohibited will be considered cheating and have dire consequences. **If you are unclear whether collaboration is allowed on a particular assignment, please ask me.**

#### 9. Plagiarism

Plagiarism in any form is strictly prohibited and will not be tolerated. You may not plagiarize any other written work, including, but not limited to, another student's writing, a sample, an assignment document, a document from a law firm, something you find on the internet, or any document filed with any court. Doing so is a violation of school policy, and the matter will be forwarded to the Dean for appropriate action. In addition, you will receive zero points for that assignment and may receive an F in the course on this basis alone, regardless of your points on other assignments.

#### 10. Gun Policy

State law permits you to carry a concealed firearm on campus into areas that have not been designated as gun-free zones. My office and any space in which I work or meet with students is a *gun-free zone*; thus, it is unlawful to carry a firearm inside these spaces. Bringing a firearm into my office or any other designated gun-free zone on campus could lead to criminal charges and/or expulsion from this university. For a complete list of the gun-free areas on campus and the rules governing campus carry at this university, please visit Texas Southern University's website.

#### 11. Online Class

11.1 This online class policy will apply if classes must go online for any reason.



11.2 The same attendance and participation rules and expectations apply for on-campus and off-campus class sessions. The school requires me to take attendance for every class. You must have your video on during class. I must be able to verify your attendance. If you are unable to use your video, please let me know.

11.3 If you attend class on campus, regardless of whether I am teaching in our classroom or online, you must be in our physical classroom during class and have a computer and headphones with you.

11.4 If you attend class off campus, you should be in a space with minimal distractions and interferences and be able to access your course materials. Silence notifications on your computer and phone. We must all do our best to maintain a professional environment.

11.5 When you join the Zoom class, turn your video camera on but mute your microphone. Turn on your microphone only when you speak in class.

11.6 Treat the online class as a professional environment. Do not join a Zoom class while engaging in other activities, such as driving a car or taking a walk.

11.7 You can access our online **Zoom** class with **meeting code as assigned**. You must be logged in and ready to go before class begins so that we can begin class on time.

11.8 If technical difficulties occur during class, please check your email for further instructions. Please be patient and expect technical difficulties. If you experience technical problems, please rejoin our Zoom class as soon as you are able.

11.9 If possible, use a desktop or laptop computer rather than a mobile device. The connection will be better, the video will be more stable, and using a mobile device for a Zoom class will consume an enormous amount of data.



## THURGOOD MARSHALL SCHOOL OF LAW

TEXAS SOUTHERN UNIVERSITY

### COVID-19 INFORMATION SHEET

#### HEALTH AND SAFETY ON CAMPUS

1. The University does not require COVID-19 vaccination as a condition for attending school. As a protective measure, students are encouraged to get vaccinated. The St. Luke's vaccination clinic, located on campus in the Nabrit Science Building, is open and accessible to the entire University community, Monday-Friday, 9 a.m. – 7 p.m. There is no cost for the vaccination.

2. Students are expected to continuously self-screen for the symptoms of COVID-19. If you have symptoms and are not fully vaccinated, you should call the Student Health Center at (713) 313-7173. Please remember to exercise caution and be courteous of your fellow students.

3. Students who experience a medical emergency on campus should call (713) 313-7000. If off campus, call 911. Please inform the dispatch operator if you are experiencing shortness of breath, difficulty breathing, coughing, or have a fever.

4. Students who are unable to attend classes for health reasons, including those relating to COVID-19, should immediately contact the Associate Dean of Student Services, Amy Ratra (miamy.ratra@tsu.edu), for further guidance.

5. Students who contract the COVID-19 virus must report the information to the Associate Dean of Student Services, Amy Ratra, and the Student Accessibility Services Office (SASO), by phone at 713-313-4210 or by email at disabilityservices@tsu.edu.

6. Students who contract the COVID-19 virus will be required to quarantine under the advice of Student Accessibility Services Office (SASO). Such students are required to submit Release of Care documentation from a licensed health care professional to SASO and notify the Associate Dean of Student Services, Amy Ratra, before they return to the law school.

7. While on campus and in classrooms, students are encouraged to conduct themselves in a manner conducive to the health and safety of the entire TSU community.

7.1 Students should practice hand hygiene, cough etiquette, and general cleanliness.

7.2 Face coverings (over the nose and mouth) are not required as per the guidelines from the State of Texas. However, students are strongly encouraged to wear face coverings (over the nose and mouth) while in the law school building.

7.3 Students should wash or disinfect their hands before each class and after physical interaction with other persons in the classroom.

7.4 Students should maintain classroom cleanliness. Students should create a clean classroom environment by putting away unnecessary personal items and cleaning their seating area intermittently.

7.5 Students who do not conduct themselves on campus in a manner conducive to the health and safety of those with whom they come in contact may be subject to discipline up to expulsion from law school.



## THURGOOD MARSHALL SCHOOL OF LAW

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TEXAS SOUTHERN UNIVERSITY

### TITLE IX POLICY

Texas Southern University is committed to fostering a safe learning environment. As a professor, one of my responsibilities is to foster a safe learning environment in class. Federal Title IX regulations and Texas Southern University prohibit discrimination based on sex, which includes sexual harassment, sexual violence and misconduct, dating violence, domestic violence, and stalking. Because these incidents can undermine a student's academic success, the university encourages students who have experienced sexual conduct prohibited by this policy to report these incidents when they happen to the university's Title IX coordinator or University Confidential Resource so that the students can get the help they may need.

My goal is for students to be comfortable sharing information related to their life experiences in classroom discussions, in written work, and in one-to-one meetings. I will seek to keep private any information shared to the greatest extent possible. However, I also have a mandatory responsibility to notify the university's Title IX coordinator when I become aware of incidents of prohibited conduct that violate the university's Title IX policy. If a student chooses to share with me about having survived sexualized or intimate partner violence including rape, sexual assault, dating violence, domestic violence or stalking, Texas Southern University requires me to share this information with the university's Title IX coordinator.

Students may also speak confidentially to the University Counseling Center. Please feel free to visit the center's website, [www.tsu.edu/ucc](http://www.tsu.edu/ucc), for more information about their services. Also, students may speak with the university's Title IX coordinator by calling 713.313.1371 or emailing [titleix@tsu.edu](mailto:titleix@tsu.edu).



## THURGOOD MARSHALL SCHOOL OF LAW

TEXAS SOUTHERN UNIVERSITY  
ACADEMIC CALENDAR 2022 – 2023

### SPRING SEMESTER 2023

#### SPRING SEMESTER 2023 (SEVENTY DAYS OF CLASSES)

School Opens	Monday	January 2, 2023
First Day of Class	Monday	January 9, 2023
Last Day to ADD/DROP	Wednesday	January 11, 2023
<b>M L K Holiday (No Classes)</b>	<b>Monday</b>	<b>January 16, 2023</b>
<i>Purge of all unpaid course selections</i>	Monday	February 2, 2023
Mid Term Examinations	Mon – Fri	March 6 - 10, 2023
Spring Break	Mon – Fri	March 13 – 17, 2023
<b>Good Friday (No Classes)</b>	<b>Friday</b>	<b>April 7, 2023</b>
Last Day to Drop a Class	Monday	April 10, 2023
Last Day of Classes	Wednesday	April 26, 2023
First Year Professors' Grades Due	Wednesday	April 26, 2023
<b>Reading Period (No Classes)</b>	Thur – Sun	April 27 – April 30, 2023
Final Examinations	Mon- Fri	May 1 – May 12, 2023
Hooding Ceremony	Friday	May 12, 2023
Commencement Exercises	Saturday	May 13, 2023

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

# LAWYERING PROCESS II SYLLABUS

## SPRING 2023

### WEEK 1

TUESDAY, JANUARY 10, 2023 (Class 1)

**Topic:** Spring Semester Overview; Introduction to Client Letters, including Engagement and Non-engagement letters

**Read:** Course Guidelines and Syllabus (posted on TWEN)

A Lawyer Writes, pp. 285-305

Engagement and Non-Engagement Letters (posted on TWEN under Course Materials)

THURSDAY, JANUARY 12, 2023 (Class 2)

**Topic:** Client Advice Letters

**Read:** Spring Course Reader, pp. 3-20 (Writing for your Audience: The Client; Texas Lawyer, The Client Letter; How to Lose a Client in 10 Steps; Client Letter Examples)

Client Advice Letter assignment (on TWEN)

**In-Class Exercises:** Tone Exercise (Spring Course Reader, p. 9)

Client letter in-class exercise (Spring Course Reader, p. 10)

Review tone and client letter redrafting exercises

**Homework (due Jan. 24):** Client Advice Letter assignment. Post on TWEN by 9:00 a.m.

## WEEK 2

TUESDAY, JANUARY 17, 2023 (Class 3)

**Topic:**           **Client Letters (cont'd); Professional Emails**

**Read:**            A Lawyer Writes, pp. 307-28; The Legal Memo, pp. 135-37. (I will post these pages on TWEN)

Spring Course Reader, pp. 21-27 (Email Like a Lawyer; Sample Advice Email to Client)

**In-Class Exercise:** Write a professional email with an answer to Civil Procedure Issue One (Spring Course Reader p. 39) and email it to your professor by midnight on January 19.

THURSDAY, JANUARY 19, 2023 (Class 4)

**Topic:**           **Texas Legislative Process**

**Read:**            Spring Course Reader, pp. 98-110 (The Legislative Process in Texas; Texas Bill to Law Chart)

**In-Class Exercise:** Complete professional email with an answer to Civil Procedure Issue One (Spring Course Reader p. 39)

**Due Today (by midnight):** Send (via email) your professional email with an answer to Civil Procedure Issue One (Spring Course Reader p. 39) to your professor.

### WEEK 3

TUESDAY, JANUARY 24, 2023 (Class 5)

*Writing Assignments 1 and 2 assigned. Due on February 26 by 11:59 p.m.*

- Topic:**        **How to Research Subsequent History and Select the Best Authority; Writing Assignments 1 and 2**
- Read:**        Spring Course Reader, pp. 28-34 (Keycite on Thomson Reuters Westlaw; LexisNexis Be Confident in Your Cases with Shepard's)  
  
Review Chapter 6 of Basic Legal Research: Tools & Strategies (last semester's research textbook)  
  
Writing Assignment 1 and 2 materials (on TWEN)
- Watch:**        Harvard Law School, *Updating Your Research*, YOUTUBE,  
<https://www.youtube.com/watch?v=NSgpJ2vAj-Y>  
or  
<https://guides.library.harvard.edu/law/researchstrategy/primarysources#slg-page-section-2497254>
- Due Today:**   Client Advice Letter assignment. Post on TWEN by 9:00 a.m.
- In-Class Exercises:**   Review Civil Procedure Issue One (client email exercise)  
  
Review Client Advice Letter assignment
- Homework (due Jan 26):**   Writing Assignment 1 and 2 research assignment. Post on TWEN by 9:00 a.m.



**WEEK 3 (cont'd)**

THURSDAY, JANUARY 26, 2023 (Class 6)

**Topic:**           **The Transition from Objective to Persuasive Writing; Overview of Motions and Briefs, including Summary Judgment Motions**

**Read:**            A Lawyer Writes, pp. 329-41

Spring Course Reader, pp. 40-53 (Georgetown Law Writing Center, Persuasive Writing Guide; TRCP 166a; Summary Judgments in Texas Excerpt)

**Due Today:**   Writing Assignment 1 and 2 research assignment. Post on TWEN by 9:00 a.m.

FRIDAY, JANUARY 27, 2023

*Writing Assignments 1 and 2 case pool released.*

**Homework (due Feb. 7):**   Prepare a case chart for the Writing Assignment 1 and 2 authorities

## WEEK 4

TUESDAY, JANUARY 31, 2023 (Class 7)

**Topic:**           **Introduction to MSJ Argument Section; Persuasive Introductory Conclusions; Persuasive Rules**

**Read:**            A Lawyer Writes, pp. 354-57 (read section VI up to section C)

Spring Course Reader, pp. 69-71 (Burden Emphasis Techniques;  
Persuasive Rules Example)

MSJ Practice Problem (on TWEN)

**In-Class Exercises:** Persuasive rules exercise (Spring Course Reader, p. 71)

Write persuasive introductory conclusion and rule paragraph for  
the MSJ practice problem

Note: The Practice MSJ will be a single, evolving document. In the end, you will have one document that will contain the statement of facts and argument section, including an introductory conclusion, rule paragraph, rule proof, application (with affirmative argument, counterargument, and rebuttal), and closing conclusion. At each stage, you will add the new section to the existing document. You will turn in the entire, completed document on February 21.

THURSDAY, FEBRUARY 2, 2023 (Class 8)

**Topic:**           **Persuasive Rule Proofs**

**Read:**            A Lawyer Writes, pp. 357-59 (read up to section D)

Spring Course Reader, pp. 72-74 (Persuasive Rule Proof Examples;  
Persuasive Rule Proof Exercise)

**In-Class Exercise:** Write persuasive rule proof for Practice MSJ (on TWEN)

***REMINDER: case chart for the Writing Assignment 1 and 2 cases due  
on Tuesday, February 7<sup>th</sup>.***

## WEEK 5

TUESDAY, FEBRUARY 7, 2023 (Class 9)

**Topic:**           **Persuasive Analysis (including persuasive techniques, counterargument and rebuttal, and dealing with negative authority)**

**Read:**             A Lawyer Writes, pp. 359-69

**In-Class Exercises:** Review discussion section opening conclusion, rules, and rule proof for MSJ Practice Problem

All-Class Exercise—Draft a persuasive negative rule proof (Spring Course Reader, pp. 73-74)

Persuasive analysis group exercise—distinguishing a negative authority (Spring Course Reader, p. 75)

**Due Today:**       Writing Assignment 1 and 2 authorities chart. Post on TWEN by 9:00 a.m.

THURSDAY, FEBRUARY 9, 2023 (Class 10)

**Topic:**           **Persuasive Analysis (cont'd) and Closing Conclusion**

**Read:**             A Lawyer Writes, pp. 370-72

Spring Course Reader, pp. 54-68 (Excerpt from Handbook for the New Legal Writer)

**In-Class Exercise:** Write an application (including affirmative argument, counterargument, and rebuttal) and a closing conclusion for the Practice MSJ.

## WEEK 6

TUESDAY, FEBRUARY 14, 2023 (Class 11)

**Topic:**           **Persuasive Statement of Facts**

**Read:**            A Lawyer Writes, pp. 344-52 (read up to section VI)

Spring Course Reader, pp. 76-85 (Fact Persuasion Techniques; Fact vs. Fiction Part 1; Fact vs Fiction Part 2; Persuasive Statement of Facts Exercises)

**In-Class Exercises:** Review application and closing conclusion for the Practice MSJ

Begin Persuasive Statement of Facts Exercise—the Jimmy Lupino case (Spring Course Reader, p. 85)

THURSDAY, FEBRUARY 16, 2023 (Class 12)

**Topic:**           **Persuasive Statement of Facts (cont'd)**

**In-Class Exercises:** Complete Statement of Facts Exercise—the Jimmy Lupino case (Spring Course Reader, p. 85)

Persuasive Statement of Facts Exercise—Used Car Warranty Problem (Spring Course Reader, pp. 84)

Write a persuasive statement of facts for the Practice MSJ

**WEEK 7**

TUESDAY, FEBRUARY 21, 2023 (Class 13)

**Topic:**            **Remaining MSJ Parts (Caption, Introduction, Summary Judgment Standard, Conclusion, Signature Block, Proposed Order)**

**Read:**            A Lawyer Writes, pp. 342-43; 370-72

**Due Today:**    Completed Practice MSJ (statement of facts and argument section—introductory conclusion, rule paragraph, rule proof, application (affirmative argument, counterargument, rebuttal), and closing conclusion). Post on TWEN by 11:59 p.m.

**In-Class Exercise:**    Review persuasive statement of facts for the Practice MSJ

THURSDAY, FEBRUARY 23, 2023 (Class 14)

**Topic:**            **Persuasive Roadmaps and Headings; Catch-up Day; WA1 Workday**

**Read:**            Review A Lawyer Writes, pp. 352 (starting at section VI) – 354 (up to section B)

**In-Class Exercises:**    Complete any outstanding persuasive writing exercises  
Work on Writing Assignment 1

SUNDAY, FEBRUARY 26, 2023

**WRITING ASSIGNMENT 1 IS DUE BY 11:59 P.M.  
USE AN ANONYMOUS EXAM NUMBER**

**WEEK 8**

***Greenbook Week***

The research librarians will run the Texas Citation workshops. You will follow their instructions regarding workshop preparation and assignments.

TUESDAY, FEBRUARY 28, 2023 (Class 15)

**Topic:** Texas Citation Workshop, Part 1

**Read:** Bring The Greenbook to class

THURSDAY, MARCH 2, 2022 (Class 16)

**Topic:** Texas Citation Workshop, Part 1

**Read:** Bring The Greenbook to class

**Homework (due date TBD):** Greenbook citation assignment

**WEEK 9**

*Midterm Week*

TUESDAY, MARCH 7, 2023 (Class 17)

**Topic:** MPT Workshop (on Zoom) at 8:00 a.m. (all LP classes)

**Zoom link will be provided closer to this date**

**Read:** MPT Materials (posted on TWEN)

**Homework (due Mar. 21):** Type an answer to practice MPT assignment. Upload to TWEN by 8:00 a.m. on March 21.

The Office of Academic Success will coordinate this workshop.

THURSDAY, MARCH 9, 2023 (Class 18)

**Topic:** Texas Citation Review; Citing Evidence and Court Documents

**Read:** Spring Course Reader, pp. 35-38 (Citing Evidence and Court Documents)

**Due Today:** Bring Greenbook and Bluebook to class

**In-Class Exercise:** Texas citation in-class exercise (on TWEN)

Add record citations to the Practice MSJ

**Homework (due Apr. 4):** Add record citations to Practice MSJ statement of facts and application sections.

**SPRING BREAK WEEK**

MONDAY, MARCH 13 – FRIDAY, MARCH 17, 2023

*Enjoy your spring break!*

**WEEK 10**

TUESDAY, MARCH 21, 2023 (Class 19)

**Topic:** MPT Practice Test Review on Zoom at **8:00 a.m. (all LP classes)**

**Due:** MPT Practice Test due on TWEN by 8:00 a.m. Have a printed copy available to annotate during the MPT practice test review workshop.

The Office of Academic Success will coordinate this workshop.

THURSDAY, MARCH 23, 2023 (Class 20)

**ALL LP CLASSES WILL TAKE A TIMED MPT AT 8:00 A.M.  
DETAILS OF MPT ADMINISTRATION TBD.**



**WEEK 11**

*Conference Week*

TUESDAY, MARCH 28, 2022

**No Class**

THURSDAY, MARCH 30, 2022

**No Class**

During Conference Week, each student will attend a mandatory, individual conference with the professor.

**WEEK 12**

TUESDAY, APRIL 4, 2023 (Class 15)

**Topic:**           **Introduction to Statutory Analysis**

**Read:**            A Lawyer Writes, pp. 35-43; 193-209

**Due:**             Record citations added to the Practice MSJ statement of facts and analysis sections. Post on TWEN by 9:00 a.m. and bring a printed copy to class.

**In-Class Exercise:**   Review record citations added to the Practice MSJ statement of facts and analysis sections

THURSDAY, APRIL 6, 2023 (Class 16)

**Topic:**           **Statutory Analysis (cont'd)**

**Read:**            Spring Course Reader, pp. 111-132 (Reading Statutes (LWH Ch. 9 Excerpt); The Structure of a Statute (WAL Ch. 3 Excerpt); Georgetown Law, Guide to Reading, Interpreting, and Applying Statutes; Texas Murder Statute Breakdown; Texas Robbery Statute; Texas Gambling Statute)

**In-Class Exercises:**   All class exercise—Texas Robbery Statute Breakdown  
                                  Group exercise—Texas Gambling Statute Breakdown

## **WEEK 13**

**TUESDAY, APRIL 11, 2023** (Class 23)

**Topic:**           **Statutory Analysis in Judicial Opinions**

**Read:**           Spring Course Reader, pp. 133-167 (*Tenn. Valley Auth. v. Hill* Excerpt; *Chevron U.S.A., Inc. v. Nat. Res. Def. Council, Inc.* Excerpt; *Chevron* Doctrine; *Auer v. Robbins* Excerpt; *Kisor v. Wilkie* Excerpt; *Bostock v. Clayton Cnty.* Excerpt; ABA: The State of the Administrative State)

**In-Class Exercise:**   Review statutory breakdown of Gambling Statute

**THURSDAY, APRIL 13, 2023** (Class 24)

### **IN-CLASS STATUTORY INTERPRETATION QUIZ—USE AN ANONYMOUS EXAM NUMBER.**

**On the quiz, you may use a *handwritten* cheat sheet on an 8 ½ x 11 sheet of paper (you may use both sides). You may only use a cheat sheet that you have made yourself, and the cheat sheet must be turned in along with the quiz.**

**WEEK 14**

**TUESDAY, APRIL 18, 2023** (Class 25)

**Topic: Introduction to Oral Argument**

**In-Class Exercise:** *VIA Metropolitan v. Meck* oral argument video. Located at:

(1) <https://www.texasbarcle.com/cle/SCPlayer5.asp?sCaseNo=18-0458>

OR

(2) <http://www.texasbarcle.com/CLE/TSCSearch.asp> and type 18-0458 in the “Case Number” search box

**THURSDAY, APRIL 20, 2023** (Class 26)

**Topic: Oral Arguments**

**Students will sign up for oral argument slots in groups of two or three students to debate the issue from Writing Assignment 1.**

**WEEK 15**

TUESDAY, APRIL 11, 2023 (Class 23—*the last day of LP II*)

**Topic: Oral Arguments**

**Students will sign up for oral argument slots in groups of two or three students to debate the issue from Writing Assignment 1.**

WEDNESDAY, APRIL 26, 2023

**WRITING ASSIGNMENT 2 IS DUE BY 11:59 P.M. USE AN ANONYMOUS EXAM NUMBER.**

*Congratulations on finishing the first year of law school!  
Good luck with finals, and I hope you have a great summer!*