



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

LAWYERING PROCESS II —SECS. 7 & 11

SPRING 2018

COURSE GUIDELINES AND SYLLABUS

Meeting Times

Tuesday & Thursday

Sec. 7 – 10:00 to 10:50 a.m. in Room 105

Sec. 11 – 1:00 to 1:50 p.m. in Room 210

PROFESSOR KIMBERLEY EVANS

SUGGESTED READING: *A MESSAGE TO GARCIA*

THE PROFESSOR & OFFICE HOURS

NAME: Kimberley A. Evans

TELEPHONE: 713-313-4471

EMAIL: kaevans@tmslaw.tsu.edu

LOCATION: Room 235 (across from the Professor's Lounge)

OFFICE HOURS: T Th 9:00 a.m. – 10:00 a.m. and 12:00 p.m. – 1:00 p.m.
(All other times by appointment only)

NOTE FROM THE PROFESSOR:

Welcome back! I look forward to continue working with you this school year. Before beginning Lawyering Process II, you should know the course's overall goals and how we will achieve those goals. Knowing the course's goals and methodology will help you understand the purpose behind the assignments you will receive during this semester. This course's goals and methodology will be explained later in this syllabus.

COURSE BOOKS & MATERIAL

The *required* textbooks for this course are:

Coughlin, Malmud, & Patrick, A Lawyer Writes, 2nd Edition
The Bluebook, A Uniform System of Citation, 20th Edition
Lawyering Process II Course Reader (compilation of photocopied materials)

The highly recommended textbooks for this course are:

Hacker, A Writer's Reference, 7th Edition
Garner, The Redbook: A Manual on Legal Style
Black's Law Dictionary

Except for the Lawyering Process II Course Reader ("Reader"), these books are available at Texas Southern University's Bookstore in the Student Life Center. If you have not already done so, you should purchase them right away. We will be using all of them very shortly.

The Reader can be purchased from Texas Southern University's Copy Center in the Student Life Center, Room 231 (2nd Floor). You must purchase your own copy of the Reader from the Copy Center.

Also, from time to time throughout the semester, I will hand out supplementary photocopied materials. I strongly suggest that you get a large three-ringed binder to keep all of your class materials organized.

COURSE DESCRIPTION & OBJECTIVE

DESCRIPTION:

The primary goal of this course is to teach you a set of **basic lawyering skills** that are critical to the lawyering process. These skills will enable you to handle any legal issue that you will encounter as a law student, summer intern, or practicing lawyer. The course will essentially teach you how to “think like a lawyer” and how to communicate your analysis and arguments in writing effectively. In short, this course shows you “the tools of the trade” that you will need to master to be an exceptional attorney regardless of the area of law in which you end up practicing.

In your law practice, each case you take on will be somewhat different from the ones you have taken before. Frequently, a new case may not be related to any of your substantive law school coursework or your prior practice experience. However, if you have developed a set of basic lawyering skills and know the process of lawyering, you still should be able to effectively advocate for your client, no matter what the legal issues are. Again, the goal of this course is to teach those foundational skills.

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

1. **Legal analysis and writing** – including reading cases, narrowing and expanding holdings, using and distinguishing precedent, synthesizing cases, issue spotting, applying law to facts, interpreting statutes, developing and evaluating legal arguments, and objective/predictive legal writing. Please note that we will cover persuasive legal writing in Lawyering Process II during the spring semester.
2. **General writing skills** – a review of writing skills, style and grammar rules to ensure clarity, succinctness, and well-written English in all work products.

OBJECTIVE:

By the end of this course, you should be practice ready, meaning you should be able to perform any legal task typically assigned to a first-year law student intern, including being able to find the applicable law, thoroughly apply that law to any set of facts, and convey a well-reasoned analysis in a typed document that comports with most court rules.

STUDENT LEARNING OUTCOMES

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

1. **Critical Reading and Thinking.** Students will be able to:
 - a. Read, understand, and evaluate cases by:
 - i. Identifying the elements of a reported opinion: procedural facts, legally relevant facts, issue(s), holding(s), reasons and policies, legal rules, and disposition;
 - ii. Synthesizing a line of related opinions;
 - b. Read, understand, and evaluate statutes and regulations.
2. **Legal Problem Solving.** Students will be able to:
 - a. Identify legal issues in simple and complex fact situations;
 - b. Identify the relevant controlling and advisory legal authority and policy;
 - c. Use understanding of relevant legal authority to predict answers to the legal issues or questions presented;
 - d. Identify potential alternatives to achieve the client's goal;
 - e. Identify unresolved legal and factual issues.
3. **Legal Argument.** Students will be able to make effective legal arguments by:
 - a. Identifying the legal issues;
 - b. Identifying the relevant facts, authority (cases, statutes, and/or regulations), and policy;

- c. Developing, elaborating, and evaluating legal theories relevant to the client's situation;
 - d. Accurately formulating and applying authority and rules (or principles of law) to the client's situation;
 - e. Supporting the client's position by analogizing to favorable facts, authority, and policy;
 - f. Distinguishing unfavorable facts, authority, and policy from the client's position;
 - g. Articulating clear inferences for factual support;
 - h. Identifying elements of statutory analysis (legislative history and canons of interpretation) relevant to the client's position.
4. **Legal Drafting.** Students will be able to:
- a. Identify the need and purpose of legal documents, assess the perspective of the recipient of the communication, and use reliable communication practices and principles;
 - b. Communicate and explain their analysis and position effectively in writing to colleagues, supervisors, clients, or judges by:
 - i. Organizing and expressing ideas with precision, clarity, logic, and economy;
 - ii. Using proper grammar, syntax, and punctuation;
 - c. Draft the following legal documents that communicate clearly and comply with applicable rules and formatting requirements:
 - i. Predictive memorandum;
 - ii. Client letter;
 - iii. Persuasive memorandum (trial motion brief).
5. **Recognizing and Resolving Ethical Dilemmas and Professionalism.**
- a. Students will be able to:

- i. Employ strategies for working cooperatively and collaboratively with others;
 - ii. Employ strategies for allocating time, effort, and resources efficiently, completing tasks within time constraints, and meeting deadlines;
 - b. Students will be introduced to certain rules of professional responsibility and the nature and sources of these ethical standards and will begin to appreciate the mandate for professional and competent representation.
6. **Legal Research and Citation.** Students will be able to:
- a. Identify the need for legal research;
 - b. Articulate and implement a research plan that explores and examines relevant sources;
 - c. Memorialize research results in an appropriate format;
 - d. Monitor law changes affecting completed research;
 - e. Use book and electronic research tools;
 - f. Use proper legal citation format in accordance with the Bluebook or the Texas Rules of Form (Greenbook), whichever is applicable.

ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you, as soon as it has been made aware of your situation.

Please see:

http://www.tsulaw.edu/student_affairs/docs/2011-2012AccommodationsHandbook.pdf

COURSE METHODOLOGY

Course Methodology: Learning by Doing

The methodology of this course is based on the principle that the best way to learn lawyering skills is by practicing them. To the extent possible, participating in the course will be similar to working in a law practice. You will be learning by doing.

In your other first-year courses, you study law primarily by examining appellate court opinions. This approach asks you to reflect upon the law as though you were an appellate judge, who sees the end product of months or years of winnowing evidence and analyzing the law. In this course, however, you will approach the law from the perspective of a practicing lawyer rather than as a judge. Thus, you will learn both how to develop a factual record and legal arguments considering your client, as well as how to present your arguments in writing effectively.

GRADING

General Grading Information

1. **Course Format:** Lawyering Process I is a three-credit hour course. As mentioned above, the course consists of three basic components: (1) Legal Analysis and Writing, (2) Legal Research, and (3) General Writing Skills (including grammar, style and writing exercises, etc.).

2. **Final Grade:** Your final grade will be based on the following:

• Writing Assignment #1	15%
• Writing Assignment #2	10%
• Writing Assignment #3 Final	40%
• Statutory Final Examination	10%
• Other Assignments	10%
• Oral Argument	5%
• Participation, Professionalism, and Attentiveness	10%

—————
TOTAL: 100%

“Other Assignments” include but are not limited to short writing exercises (SWEs), citation assignments, case briefs, tests, case charts, and pop quizzes. Many of these assignments will be discussed in class.

Finally, this is a curved class. Please refer to the 2017-2018 Student Rules and Regulations for the grade guidelines for Lawyering Process I and II.

A: 10-13%
B: 25-34%
C: 35-45%
D/F: 0-08%

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

This class will be conducted using the Socratic Method, also known as the Discussion Method. When your name is called, and everyone’s names will be called, you must be well-prepared and always STAND when speaking.

Class participation will be considered in determining your final course grade. You may lose “Participation, Professionalism and Attentiveness” points (“PPA points”) for the following: not being prepared for class; not actively participating in class discussions or exercises; being disrespectful or discourteous to me or your classmates (for example, talking 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; 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; surfing the internet; viewing material on your laptop or smart electronic device unrelated to class; using profanity or offensive language during class; and participating in a verbal/physical altercation in my presence. As a general rule of thumb, in gauging what constitutes unprofessional behavior, ask yourself 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.

POLICIES & PROCEDURES

Exam Numbers

You will be required to use an exam number when submitting most assignments for this class. You must adhere to the instructions given with each assignment. In general, you will use three different exam numbers over the course of the semester. For example, you will use your initial exam number for the first three weeks of class. During the fourth week of class, you will receive a new exam number to use for the next period and so on. You can receive exam numbers from the Records Office,

Room 229. I will instruct you when each exam number is ready for distribution. Any changes to the exam number policy or schedule will be announced in class and/or via e-mail or posted on the course page on Westlaw's TWEN.

Major Writing Assignments

1. **Overview:** You will complete three writing assignments for this course. You will complete one client letter for Writing Assignment #1, one brief for Writing Assignment #2, and one brief for Writing Assignment #3. You must use an EXAM NUMBER when submitting each of these assignments. DO NOT put your name on any of these graded writing assignments or include your name when saving these documents for uploading to TWEN, as preservation of your anonymity during grading is mandatory. **If you put your name on any of your writing assignments, your work will not be graded and you will receive a zero for the assignment.** If you use the wrong exam number, you will lose PPA points. Also, remember that you must comply with all format requirements for each of these assignments.

2. **Writing Assignment #1 and #2:** For Writing Assignment #1 and Writing Assignment #2, you will be generally graded both on form and substance. You must complete these assignments to the very best of your ability. For example, if your brief does not include all of the relevant sections for a brief or address all of the issues for that assignment, you will lose points. You must submit a complete work product. If you do not use proper grammar or punctuation, you will lose points. You must carefully proofread your work. Both your analysis and writing will be considered in grading your work. Your work must be well organized, accurate, and clear. You also must adhere to the format guidelines and the expectations for predictive memoranda (discussed in class and in the assigned readings).

All of the assignments are essential to the course and to your development as a lawyer. **Accordingly, you must satisfactorily complete each assignment to receive any credit towards your grade.** In addition, at any time, you may be required to submit a draft document for a particular assignment. Note that "draft" does not simply mean "some attempt" at producing a document but rather implies your best effort and work product at that time. Ideally, after you prepare a draft document, you should spend the remaining time editing your work to complete the final document. Your final work product should not be identical to your draft version, but rather should be a product of editing, proofreading, and revising your draft.

3. **Writing Assignment #3:** As with the other assignments, Writing Assignment #3 will be graded both on form and substance. Consider this assignment as your "final performance exam or assessment" in Lawyering Process I; thus, you will not receive any individualized feedback on this

assignment. It is imperative that you work diligently on Writing Assignment #1 and #2 so that you are ready for the final assignment in this course.

Other Assignments in General

When directed to do so, you must use an EXAM NUMBER when submitting your other assignments (with the exception of online grammar exercises). As mentioned, these assignments include, but are not limited to, the case briefs, tests, case charts, citation exercises and certain other assignments submitted in class or online using Westlaw's TWEN. If you are instructed to use an exam number, DO NOT put your name on the assignment, as preservation of your anonymity during grading is mandatory. **If you put your name on your assignment, your work may not be graded, and you may receive a zero for the assignment.** If you use the wrong exam number, you will lose PPA points. Furthermore, you must submit these assignments on time. Lastly, if you submit your assignment on TWEN more than once, I will review and grade only the most recent submission (the last submission).

The reading assignments and discussion exercises are listed in the course syllabus under the day of the class for which they should be prepared. Any written assignments are listed under the day they are assigned and a separate due date will be listed, sometimes repeatedly, as a reminder. Other assignments are listed under the date they are due. The syllabus also provides the relevant time that the other assignments are due and the manner in which they should be submitted. ***It is your responsibility to follow the syllabus and be prepared for class. Review the syllabus periodically and be sure to note relevant due dates and times. You must submit all assignments on time.***

Modifications, including additions or deletions to the syllabus, may be announced in class, via e-mail, or posted on the course page on Westlaw's TWEN.

Assessment and Feedback

As mentioned earlier in this document, this course is designed to help you acquire and develop the skills necessary to engage in the practice of law effectively, efficiently, and ethically. In order to help you meet that goal, your assignments have been designed in such a way as to give you the opportunity to test out a skill and then reflect upon and analyze your work in order to understand your own strengths and weaknesses and 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.

Just as in practice, you will encounter three basic ways to assess and thereby be able to improve upon your work. First, you will receive assessment from those assigning your work (in our case, this is faculty assessment—me or my tutor/writing advisor). Second, you will engage in peer assessment (your classmates). Finally, and perhaps most importantly, you will engage in self-assessment. Each of these methods of assessing your work allows you the opportunity to reflect upon your skill set and make adjustments where necessary. In order to be prepared to practice law, it is critical that you take advantage of these opportunities. In order to help you recognize these opportunities as they arise in this course, each is discussed briefly below.

Please keep in mind that as first-year law students, it becomes easy to fall into the trap of viewing these forms of assessment as “explanations” for your grade, thereby missing the actual purpose of the assessment, which is to provide you with the information necessary to help you refine your skills. In order to avoid falling into this trap, consider that when you enter practice, the assessment provided to you by senior attorneys and your junior colleagues, in addition to that which you do on your own, is not for a “grade.” Rather, its sole purpose is to help you develop as an attorney and create high-quality, practice-appropriate work product. Likewise, the purpose of you receiving various assessment opportunities in this course is to help you develop your skills. If you recognize this now, you will be miles ahead of your peers when entering practice. Accordingly, watch for opportunities to improve upon your work through the following methods:

1. **Faculty Assessment:** You will have the opportunity to receive feedback from me in several forms, each of which is designed to help you assess your progress and improve upon your work:

i. **Individualized Assessment and Written Feedback:** On major writing assignments (Writing Assignment #1 and #2), you will receive my written feedback. I hand-grade most assignments; therefore, these comments and edits will be marked on your paper in blue ink and returned to you for consideration. Sometimes, these come in the form of comments and suggestions for your writing, rendered through the “Comment” and “Track Changes” features in Microsoft Word. These comments are not designed to give you “the answers;” rather, they are designed to help you ask yourself the necessary questions to discover how to improve your work on your own. Additionally, as discussed in subpart (iii), you will have the opportunity to discuss the individualized feedback on Writing Assignment # 2 alone with me in a conference.

You may also receive individualized written feedback from me in the form of completed assessment rubrics, which are forms designed to accompany your major Writing Assignments. These forms will give you an idea as to how your progress is developing and in which areas you need improvement.

From time to time, you may also receive individualized written feedback from me in the form of (a) e-mailed responses to appropriately e-mailed queries (more on what constitutes an appropriate e-mail query in Part IX below), and (b) electronic comments submitted through TWEN in response to your individual anonymous assignment submissions. Because the feedback submitted per item (b) above is sent through TWEN to your anonymous exam number, please make sure to respond to such comments only through TWEN, so as not to reveal your identity to me inadvertently.

Finally, you will receive individualized written feedback on short writing exercises from me via my writing advisors. Writing advisors are prior students who did exceptionally well in my Lawyering Process class and who did well in their first year of law school generally. They are extensions of me and you should treat them as such with one caveat. Should a writing advisor provide advice that is inconsistent with something that I have said in class, you should obviously defer to me. Note, however, that writing advisors rarely give contradictory advice, as what usually appears as contradictory advice is actually a miscommunication. Nonetheless, 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.

ii. **Group Assessment and Written/Verbal Feedback:** On some assignments, I will assess your work as a class and will provide written or verbal commentary identifying common or critical weaknesses in the assignments that I received. The purpose of such group feedback is twofold: first, it allows you the opportunity to review your own work with a critical eye so as to learn to identify and remedy any of the listed weaknesses; second, by understanding the weaknesses that other students' work exhibited for a given assignment, you should become aware of mistakes to avoid that may not have arisen in your own work for that particular assignment, but which could arise in the future.

Additionally, when I receive appropriate questions via e-mail regarding your major Writing Assignments, in order to ensure that all students have equal access to the same level of instruction, I may send an e-mail to everyone containing my feedback to a single student's inquiry. In all such circumstances, the name of the student shall be kept anonymous.

iii. **Individual Assessment and Verbal Feedback:** As mentioned in subpart (i) of this section above, you will have the opportunity to meet with me individually to discuss major Writing Assignment #2. In order to make the most of this meeting, it is critical that you prepare. Adequate preparation would be to review my comments on your work and write down any questions you may have about comments you did not understand.

In addition to our mandatory meeting on Writing Assignments #2, which last for 30 minutes, you may meet with me individually during my office hours to discuss any other assignment or concern. Although I cannot discuss the details of written submissions submitted anonymously via TWEN with you until they are no longer anonymous, we can discuss your general questions and concerns. With some planning, you can find ways to ask questions that will help you ascertain the answers to problems you may be having with anonymous assignments that you have not yet submitted. Discussing your problems by analogy to different problems or hypotheticals is not only a good way to maintain your anonymity and receive answers to questions regarding pending assignments, but is also good practice for the kind of reasoning lawyers use every day.

2. **Peer Assessment:** You also will have the opportunity to receive feedback from your peers in a variety of ways throughout the semester. We will engage in some peer review and critique exercises, collaborative writing assignments, group discussion, team preparation for in-class oral arguments, and work performed in simulated "law firms" designed to give you practice solving problems with your colleagues. Each of these collaborative opportunities gives you a chance to exchange ideas with your peers before having your work evaluated by me. This process is not only intended to help you improve your work, but simulates the experience of working with junior colleagues before presenting your work to senior attorneys, and of working on lawyering teams to solve problems prior to presenting solutions to internal or external clients. It also helps you build communication, negotiation, and other interpersonal skills that will be critical to your success in any lawyering environment.

3. **Self Assessment:** Finally, you will have the opportunity to engage in self-assessment throughout the course of the semester. This too will happen through a variety of means. For example, I will provide you with a writing sample or checklist designed to help you edit and refine your work by comparing your work to the exemplars. Likewise, I will provide

model answers or annotated responses to short writing exercises for which you did not receive individualized feedback. As with the other forms of self-assessment, it will be up to you to make the most of this type of assessment. Accordingly, you should never hesitate to supplement an exercise that is designed for your own self-assessment with the other forms of assessment and feedback, such as by asking questions in class or during office hours, or by discussing your thoughts and experiences with your peers.

Paper Format Requirements

The following format requirements for this course are based on the general rules for filing documents in most state and federal courts. With the exception of the case brief assigned during the first week of class and certain other class exercises, these requirements apply to all of the writing assignments that you will do for this course (namely, the memoranda for Writing Assignment #1, Writing Assignment #2, and Writing Assignment #3). I will strictly enforce format requirements to ensure that all students have an equal amount of space in which to convey their ideas and learn from their mistakes. These format 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. Unless otherwise specified, each piece of written work that you submit in this course must meet the following format requirements:

- All documents must be typed using Microsoft Word.
- All documents must be typed in Times New Roman or Calibri font and submitted on plain white, 8-1/2 x 11 inch paper (using one side only).
- The font size must be no smaller than 12 point font and footnotes (if any) may be no smaller than 10 point font.
- Papers must have one-inch margins on both sides and at the top and bottom.
- No page may include more than 25 lines per page (including footnotes).
- Text must be double-spaced. Footnotes should be single-spaced.
- You must have two spaces between sentences, including citation sentences. This means you must hit the space bar twice. Tabs, such as those used to begin a new paragraph, must be ½ inch in length.
- Each assignment must be consecutively paginated at the bottom of each page (centered).
- Be sure to print a hard copy of your assignment and check to make sure that you have complied with these format requirements.
- Each assignment must be justified.
- Lastly, all pages of each assignment must be stapled together (in the upper left-hand corner).

Consequences for Late or Over-Length of Assignments

1. Late Submission of Assignments: Because failure to timely submit a legal document in real life can have detrimental and irreversible consequences, **I will not accept any late assignments. Accordingly, the consequence for *not* timely submitting an assignment will be a zero for that assignment.**¹

Your major writing assignments will be posted on TWEN and you will be required to bring a hard copy to class. The date and time deadlines will be provided to you and shall be strictly adhered to in order to receive a grade. You do not need to turn your assignment in yourself; however, your assignment needs to be turned in on time. Your TWEN submission provides the time-stamp for grading purposes. Any assignment not timely submitted on TWEN will receive a grade of zero. Any hard copy not timely submitted will result in a late penalty. Your hard copy and TWEN submission must be identical.

You may request an extension on one (1) assignment by filing a proper request for an extension. The request will be evaluated and granted for a time not to exceed one (1) week or denied in its entirety. If the request is granted, it shall apply to the entire class. Therefore, you should use this extension wisely. We will discuss this further in class.

2. Submission of Over-Length Writing Assignments: I will indicate a maximum page limit for each writing assignment that I will enforce strictly. **For each page or portion thereof that exceeds the page limit, you will receive a 10% reduction in your grade.** In addition, I will not review any pages that exceed the page limit. If your paper exceeds the mandatory number of lines per page or 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 points on a writing assignment for any other violations of the formatting rules. Please review these rules carefully.

Attendance

Class attendance is mandatory. Roll will be taken at the beginning of each class. If you are not present when attendance is taken, you are absent. Per the Student Rules and Regulations, for this three-hour course, you will be permitted three (3) absences. 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.

¹An exception to this rule is if you have a true emergency that has rendered you incapacitated or otherwise unable to submit the assignment. Proof will be required.

Collaboration

You may discuss some of your assignments with your colleagues in your section of Lawyering Process I. 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 of these assignments must be your own. Of course, if your work is sheer imitation, it will not only be obvious but plagiarism, which is strictly prohibited.

I will inform you when collaboration 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 disallowed. Exchanging ideas with others on an assignment where collaboration is prohibited will be considered cheating and have dire consequences.

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 memorandum, a prior exemplar or sample memorandum, an internal legal memorandum, or any memorandum of points and authorities filed with any court. Should an instance of plagiarism exist, the matter will be forwarded to the Dean for appropriate action.

Questions Sent by Email

I welcome your questions by email, provided you adhere to the following requirements. If you send me a question by email, you must (1) identify the steps you have taken to solve the problem or answer your specific question or issue; and (2) include what you believe the solution or answer to be. In particular, you should identify the materials that you have read or sources that you have researched. Many times, the answer to a question (especially technical requirements for assignments) may be found in the Course Guidelines and Syllabus. Be sure to check this document first.

Please be aware that I receive a lot of emails daily. I try my best to respond to emails within 24-48 hours. If I have not responded to your email, please do not hesitate to bring it to my attention. Any oversight is unintentional.

Writing Advisors and Writing Center

This semester, you will continue to work with your assigned WA. Remember the role of the WA is to assist you with mastering the lawyering skills learned in this class, particularly the skills of legal analysis and writing. Your WA will provide you with general feedback on certain assignments, namely the short writing exercises.

The WAs will also staff the Lawyering Process Writing Center, which is located on the first floor of the Library next to the Reference Desk. The Writing Center's hours will be posted outside my office door. These hours will begin the second week of class. If you have a question about an assignment, you may visit the Writing Center. *In order to ensure fairness to all students, WAs are permitted to read and review only two-consecutive pages of an assignment.* They will not review an entire document before it is submitted for grading. You may still, however, ask them discrete questions about legal analysis and writing. After an assignment has been graded, your WA may review the entire document with you if you have any questions.

Notwithstanding your WA's assistance or any feedback that you receive from the Writing Center, you are ultimately responsible for your final work product. You must carefully edit and proofread your work at all times.

Letters of Recommendation

Letters of recommendation will be written upon request, provided that you: (1) earn a B+ or higher in my class and (2) have not displayed conduct unbecoming of an attorney. For some examples of unprofessional conduct unbecoming of an attorney, refer back to page 10 titled "Participation, Professionalism, and Attentiveness."

Laptop Misuse

Laptop computers may be used for class-related note taking and reference. During class, however, it is inappropriate to use laptops for any other purpose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, or to instant message others). Laptop use in class is a privilege. **In addition to any other sanction, I will rescind laptop use, individually or collectively, if it is abused. Cell phones, blackberries, and similar devices must be turned off.**

LAWYERING PROCESS II

SPRING 2018 SYLLABUS

WEEK 1

TUESDAY, JANUARY 9, 2018

Introduction to new semester; Writing Assignment #3 review

THURSDAY, JANUARY 11, 2018

Writing Assignment #3 Review

WEEK 2

TUESDAY, JANUARY 16, 2018

Client Advice Letters

** Writing Assignment #1 Assigned
(Due Monday, January 29, 2018)
Read: Coughlin (A Lawyer Writes) pp. 273-291

THURSDAY, JANUARY 18, 2018

Client Advice Letters (con't)

Read: Lawyering Process II Course Reader ("Reader"):
Advisory Writing: Advice Letter, pp. 1-6
Sample Advice Letters, 7-10
Persuasive Writing: Demand Letter, pp. 11-15
How to Write Letters Non-lawyers Will Read, pp. 16-24

WEEK 3

TUESDAY, JANUARY 23, 2018

Client Service and Professionalism

Read: Course Reader ("Reader") pp. 25-27: How to Lose a Client in Ten Steps

THURSDAY, JANUARY 25, 2018

Review and discuss persuasive writing exemplars in class

WEEK 4

MONDAY, JANUARY 29, 2018

Client letter due per assignment instructions.

TUESDAY, JANUARY 30, 2018

Professional e-mails

Read: Coughlin pp. 295-304

In-class exercise on professional emails—please bring a copy of your client letter to use in class.

THURSDAY, FEBRUARY 1, 2018

Persuasive Writing
Introduction to Persuasive Writing
Introduction
Statement of Facts

Read: Reader, Persuasive Writing Notes, pp. 28-45
Reader, Civil Litigation Timeline, pp. 63-66
Coughlin: pp. 305-311

WEEK 5

TUESDAY, FEBRUARY 6, 201

Persuasive Writing
Statement of Facts
Read: Reader, pp. 67-73
Coughlin: pp. 338-345

Statement of Facts Exercise (in class)

THURSDAY, FEBRUARY 8, 2018

Persuasive Writing
Introduction to Discussion Section

Headings

Persuasive Overall Rule

Read: Coughlin: pp. 312-316 (through A. Developing Your Theme)

Reader: pp. 45-57

In-class exercise: Using a theme to create a favorable context. (100 Exercises for Mastery Exercise 101)

WEEK 6

TUESDAY, FEBRUARY 13, 2018

Persuasive Writing

Discussion Section (cont'd)

Persuasive Sub-rules and Rule Proofs

Read: Reader, pp. 57-61, Persuasive Rule Exemplar p. 95-97

Coughlin: pp 316-323 (through 2. Developing persuasive case illustrations)

(Exercise 101 in-class examples)

THURSDAY, FEBRUARY 15, 2018

Persuasive Writing

Rule Proofs (cont'd)

Parentheticals

Application

Read: Reader, pp. 62-65, pp. 69, Review Wilks pp. 91-95, 96 (Parenthetical Exemplar) and pp. 88-89, Application pp. 65-68

WEEK 7

TUESDAY, FEBRUARY 20, 2018

Texas Citation Rules

Read: Texas Rules of Form (the "Greenbook"), pp. iii-v and 1-9

THURSDAY, FEBRUARY 22, 2018

Texas Citation Rules (cont'd)

Read: Texas Rules of Form, pp. 10-28

WEEK 8

TUESDAY, FEBRUARY 27, 2018

Analysis Revisited/'Persuasive Techniques

Read: Coughlin pp. 325-346

THURSDAY, MARCH 1, 2018

Editing and Polishing

Read: Coughlin pp. 346-350

WEEK 9

TUESDAY, MARCH 6, 2018

Statutory Interpretation

Basic Tools of Statutory Interpretation

Read: Coughlin, Malmud, & Patrick, A Lawyer Writes, pp.35-43 (II Reading Statutes), pp. 175-177 (Policy Recorded in Legislative History") and pp. 181-193

THURSDAY, MARCH 8, 2018

Read: Reader, Statutes and Legislative History Excerpt, pp. 129-126
Tennessee Valley Authority v. Hill – Reader, pp. 137-154

WEEK 10

MARCH 12, 2018 — MARCH 16, 2018 – SPRING BREAK

WEEK 11

MONDAY, MARCH 19, 2018

Writing Assignment #2 due on TWEN at 8 a.m.

TUESDAY, MARCH 20, 2018

MANDATORY CONFERENCES – NO CLASS

THURSDAY, MARCH 22, 2018

MANDATORY CONFERENCES – NO CLASS

WEEK 12

TUESDAY, MARCH 27, 2018

MANDATORY CONFERENCES (IF NECESSARY)

Statutory Interpretation

Exercise: Twardzik v. Funtime Sporting Goods

Read: Statutory Interp. Materials for Twardzik v. Funtime – Reader, pp. 167-176, Oral Argument Pointers pp.177-181

**Arguments for Funtime and Arguments for Twardzik Due in Class

THURSDAY, MARCH 29, 2018

Statutory Interpretation

Exercise: Twardzik v. Funtime Sporting Goods (cont'd)

Discussion of Arguments

WEEK 13

MONDAY, APRIL 2, 2018

What's Due: Writing Assignment #3 Final (submit via TWEN using exam number)

TUESDAY, APRIL 3, 2018

Deference to Agency Interpretation

Read: Chevron v. NRDC – Reader, pp. 155-169

Coughlin: p. 191("b.) Agency Interpretations and regulations")

THURSDAY, APRIL 5, 2018

Statutory Interpretation Oral Argument Exercise

Read: Reader pp. 166-199,

WEEK 14

Assign Partners for Oral Argument Exercise

TUESDAY, APRIL 10, 2018

EXAM: Statutory interpretation

THURSDAY, APRIL 12, 2018

Sharon Carpenter Exercise

Read: Reader 200-226

Use the statutory interpretation chart posted on TWEN to organize the information from your readings and to analyze Carpenter's situation. Bring your chart to class.

WEEK 15

ORAL ARGUMENTS BEGIN THIS WEEK

TUESDAY, APRIL 17, 2018

Oral Arguments in Class

THURSDAY, APRIL 19, 2018

Oral Arguments in Class

WEEK 16

TUESDAY, APRIL 24, 2018

Finish Oral Arguments

Have a great summer!

One Last "Words to Remember":

Do not put statements in the negative form.

And don't start sentences with a conjunction.

If you reread your work, you will find on rereading that a great deal of repetition can be avoided by rereading and editing.

Never use a long word when a diminutive one will do.

Unqualified superlatives are the worst of all.

De-accession euphemisms.

If any word is improper at the end of a sentence, a linking verb is.

Avoid trendy locutions that sound flaky.

Last, but not least, avoid clichés like the plague.

~Excerpts from "Great Rules of Writing" by William Safire

IMPORTANT DATES

Writing Assignments:

WA #1 Client Letter Due: Monday, January 29

WA #2 Due: Monday, March 19

WA #3 Final Due: Monday, April 2