



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

ADVANCED LEGAL ANALYSIS

COURSE NUMBER 832

SPRING - 2018

TUESDAY/THURSDAY *10:00 – 10:50 AM* ROOM B34 LSB

VIRGIE MOUTON

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THE PROFESSOR

NAME: Virgie Mouton

TELEPHONE: (713) 313-7909

EMAIL: vmouton@tmslaw.tsu.edu

LOCATION: 223B

OFFICE HOURS: Wednesday, Friday: 9 – 11
Monday – Thursday: 2 – 4
Appointment preferred. Contact Mrs. Johnson 713-313-4468

NOTE FROM THE PROFESSOR:

This Class is designed to help students develop their legal analysis and writing skills beyond the first and second years writing experience. It consists of several parts—scholarly legal writing emphasizing the Analysis and Synthesis of Judicial Decisions, the Interpretation of Statutes and Constitutions, the skill of scholarly legal writing using clear, correct, concise, and complete language. The student will write two drafts of a work in progress research paper and a final paper. The final copy will comprise at least two-thirds of the final grade. *Student Rules and Regulations 2017-2018, Article III, Section 2 (B) (1), p 8*

COURSE BOOKS & MATERIAL

Required Text:

Scholarly Writing for Law Students, Fourth Edition

Authors: Elizabeth Fajans and Mary R. Falk, West Group ISBN 978-0-314-20720-3

Legal Analysis, The Fundamental Skill, Second Edition

Authors: David S. Romantz and Kathleen Elliott Vinson ISBN-13: 978-1-59460-279-5

The Bluebook, A Uniform System of Citation, Twentieth Edition

Recommended Texts:

Academic Legal Writing, Third Edition Author: Eugene Volokh, Foundation Press

ISBN 978-1-59941-195 -8

Lost in Translation: Effective Legal Writing for the International Legal Community

Author: Kevin J. Fancil, LexisNexis

Writing and Analysis in the Law, Sixth Edition, Authors: Shapo, Walter, Fajans,

Foundation Press

The Organized Lawyer, Second Edition, Author: Karen Lynn Anders, Carolina Academic

Press ISBN 978-1-61163-400 -6

COURSE DESCRIPTION & OBJECTIVE

DESCRIPTION:

Contract Law is a year-long course, six hours. Basic principles and issues are addressed, which include but are not limited to the historical and theoretical contexts of contract law as well as the constant evolution that impacts the “lawyering” aspect of contract law. Contracts formation, interpretation, defenses, non-enforcement, third party involvement, breach, and remedies are extensively covered. Most of the first semester focuses on formation, interpretation, and implications of contracts; the spring semester covers defenses, non-enforcement, third parties, breach, and remedies. The cumulative approach is used in this class; as you expand your understanding of the subject matter, all aspects are iterated in the reviewing and testing processes to obtain proficiency and check proficiency.

OBJECTIVE:

STUDENT LEARNING OUTCOMES

Prerequisites: Lawyering Process I, Lawyering Process II, and Appellate Litigation

Advanced Legal Analysis focuses on the critical reading of scholarly legal articles; evaluating issues, analyses, and solutions presented; analyzing organization and structure of arguments, and learning how to use those articles as guidance in writing a scholarly legal article.

Critical reading involves active reading and interaction with the written articles.¹ It involves using judgment and discipline to process what you are learning about without letting your personal bias or opinion detract from the arguments²

This course will focus on employing critical reading techniques to evaluate different types of documents:

- A. Primary--Cases, statutes, constitutions, congressional proceedings
- B. Secondary--Treatises, Legal Encyclopedias, Legal Articles, Essays
- C. General--Articles from newspapers, magazines, blogs

At TMSL, the progression of legal writing classes progresses from case briefing, writing essay exam answers, client letters, memos, (first year) to writing appellate briefs, (second year) and finally, writing scholarly legal articles (third year).

In writing the legal article, the first step is to choose a topic, detect and state a legal problem (issue) within that topic, and devise a legal solution to the problem.

Week 1 problem/solution

1-7 The second step is to read and evaluate law review articles that formulate legal problems (issues) and learn how they develop solutions. Time Log; legal problem/legal solution exercises, day 2

1-5 Journaling The third step is to begin researching and compiling information relating to the problem and solution for your original article.

- A. Legal Foundation Hierarchy of the Court System
- B. Jurisdiction

8-12 The fourth step is writing an outline to organize the contents of the article, then writing the article.

Each step consists of several sub steps which will be reviewed throughout the semester to make help guide you through this writing of your scholarly legal article.

Let's begin this process with excitement while keeping our eyes on the prize!
Welcome and happy adventures during this semester!

Thursday, January 11, 2018

¹ <https://guides.library.harvard.edu/sixreadinghabits>
Thinking-Intensive Reading. Six Reading Habits to Develop in Your First Year at Harvard.

² <https://www.skillsyouneed.com/learn/critical-reading.html> . Critical Reading & Reading Strategies! Skills You Need

ARTICLE: Textualism's Selective Canons of Statutory Construction: Reinvigorating Individual Liberties, Legislative Authority, and Deference to Executive Agencies, 86 Ky. L.J. 527

GRADING

• Draft I	_____	10 %
• Draft II	_____	20% -
• Oral Presentations	_____	10%
• Final Paper	_____	60%
• Class Participation/Extra Credit		5%
	Total	105%

ACCOMMODATIONS

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

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

You are required to attend class, Attendance is taken at the beginning of class. If you are not present when the roll is called, you will be marked absent. If you are present and leave class without permission, points will be deducted from the extra credit participation.

LAST DAY TO DROP THIS CLASS

January 10, 2018. *Student Rules and Regulations, Article III (c), p.8.*

ACADEMIC CALENDAR

FALL SEMESTER 2017 (SEVENTY DAYS OF CLASSES)

Orientation	Monday-Friday	August 14-18, 2017
First Day of Class	Monday	August 21, 2017
Last Day to ADD/DROP	Friday	August 25, 2017
Labor Day (NO CLASSES)	Monday	September 4, 2017
<i>Purge of all unpaid course selections</i>	Wednesday	September 27, 2017
Mid Term Examinations	Mon – Fri	October 23-27, 2017
Thanksgiving Holiday	Thurs – Fri	November 23-24, 2017
Last Day of Classes	Thursday	November 30, 2017
Last Day to Drop a Class	Thursday	November 30, 2017
First Year Professors' Grades due	Thursday	November 30, 2017
*Legislative Tuesday	Friday	December 1, 2017
*Legislative Wednesday	Saturday	December 2, 2017
*Legislative Thursday	Monday	December 4, 2017
*Legislative Friday	Tuesday	December 5, 2017
Reading Day (NO CLASS)	Wednesday	December 6, 2017
Final Examinations	Thursday- Friday	December 7 -Dec. 15, 2017
Commencement	Saturday	December 16, 2017
*Legislative Days are make-up days from Hurricane Harvey August 28 – September 1, 2017		

SPRING SEMESTER 2018 (SEVENTY DAYS OF CLASSES)

School Opens	Tuesday	January 2, 2018
First Day of Class	Monday	January 8, 2018
Last Day to ADD/DROP	Friday	January 12, 2018
M L K Holiday (No Classes)	Monday	January 15, 2018
<i>Purge of all unpaid course selections</i>	Wednesday	February 7, 2018
Mid Term Examinations	Mon – Fri	March 5– 9, 2018
Spring Break	Mon – Fri	March 12 – 16, 2018
Spring Break (University Closed)	Mon-Wed	March 12- 14, 2018
Good Friday (No Classes)	Friday	March 30, 2018
Last Day of Classes	Wednesday	April 25, 2018
Last Day to Drop a Class	Wednesday	April 25, 2018
First Year Professors' Grades due	Wednesday	April 25, 2018
Reading Period (No Classes)	Thur. – Sun	April 26 - 29, 2018
Final Examinations	Mon- Fri	April 30 – May 11, 2018
Hooping Ceremony	Friday	May 11, 2018
Commencement	Saturday	May 12, 2018

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

Approved 5/31/2017 * Updated 10/18 /2017

POLICIES & PROCEDURES

- Any special accommodations must be requested via the Office of Student Affairs.
- You are expected to abide by the Honor Code. (See *Student Rules and Regulations* for Further Details)
- You are expected to conduct yourself in a professional manner – civility toward classmates is mandatory; this is graduate school.

PAPER REQUIREMENTS

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

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

75 minimum endnotes

10 minimum primary legal sources

PAPER SUBMISSIONS: OUTLINE, 1st DRAFT, 2nd DRAFT, FINAL PAPER

- (1) Send electronic copy to me: vmouton@tmslaw.tsu.edu
- (2) Hard Copy-Mrs. Rita Johnson, Dean's Suite, sign roster at submission
- (3) On or before 4 p.m. on submission date.

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

Final Paper Due on or before 4 p.m. **Friday, April 30, 2018**

ORAL PRESENTATIONS: SIGN UP: 15 minute presentation.

Weekly Syllabus

<p>January 9, 11</p> <p>January 10-Last day to drop this class, Seminar.</p> <p>Research Logs Finding the Conflict Assignment-Research Topics Identify a Research Strategy Create Primary Reading Log</p> <p>January 16, 18</p> <p>Thesis Statement and Preliminary Outline Due Friday January 19, 4 pm</p>	<p>Chapter 1</p> <p>Legal Scholarship</p> <p>Seminar Papers, Journal Articles, and Competition Papers</p> <p>Process of Scholarly Writing</p> <p>Chapter 1 The Foundations of Legal Analysis</p> <p>Chapter 2 Exploration: Choosing and Narrowing a Topic</p> <p>Chapter 3 The Mostly Research Stage</p> <p>Rules: Enacted Law, Case Law, Tests</p> <p>Clear Writing-Omitting Surplus Words</p> <p>Focus on the Actor, the Action, and the Object</p>	<p>Fajans and Falk</p> <p>Romantz and Vinson</p> <p>Fajans</p> <p>Fajans</p> <p>Romantz, Chapter 2</p> <p>Wydick</p>
<p>January 23, 25</p>	<p>CHAPTER 3</p>	<p>Fajans</p>

<p>BEGIN WORKING ON DETAILED OUTLINES AND READINGS</p>	<p>Inspiration :Finding and Developing a Thesis</p> <p>Working Towards an Outline</p> <p>Inductive Analysis and Analogical Reasoning</p> <p>Word Wasting Idioms</p> <p>No Redundant Legal Phrases</p>	<p>Romantz, Chapter 3</p> <p>Wydick</p>
<p>January 30, February 1</p> <p>Outline and Five page draft due February 2, 2018, 4 pm</p>	<p>Chapter 4 The Mostly Research Stage</p> <p>Deductive Analysis & Rule -based Reasoning</p> <p>The Active Voice</p>	<p>Fajans & Falk</p> <p>Romantz, Chapter 4</p> <p>Wydick</p>
<p>February 6, 8</p>	<p>Chapter Five The Writing Process: Getting It Down on Paper</p> <p>Statutory Analysis</p> <p>Use Short Sentences</p>	<p>Fajans</p> <p>Romantz, Chapter 5</p> <p>Wydick</p>
<p>February 13, 15</p>	<p>Chapter Six The Writing Process: Revising and Polishing</p> <p>Chapter Seven Footnotes and the Ethical Use of Borrowed Materials</p> <p>Policy-based Reasoning and Other Considerations</p>	<p>Fajans</p> <p>Fajans</p> <p>Romantz, Chapter 6</p>
<p>[Insert Course Title Here]</p>		<p>Page 15</p>

<p>February 20, 22</p> <p>..</p>	<p>Chapter 8 Writing With Care</p> <p>The Legal Argument CREAC</p> <p>Choose Words Carefully</p>	<p>Fajans & Falk</p> <p>Romantz, Chapter 7</p> <p>Wydick</p>
<p>1st DRAFT DUE ON OR BEFORE 4 PM, FRIDAY, FEBRUARY 27</p>	<p>Chapter 9 Writing With Style</p>	<p>Fajans</p>
<p>February 27, March 1</p> <p>Ten page Draft II Due on or before 4 m Friday, March 2, 2018</p> <p>Mid Term Week March 5-9</p>	<p>Chapter 10 Evaluating and Editing the Work Of Others</p> <p>Writing and Discussing Drafts, Reading Logs</p> <p>Mid Term Review</p>	<p>Fajans</p>
<p>Spring Break</p> <p>March 12-16</p>	<p>NOCLASSES</p>	
<p>March 20, 22</p>	<p>Bluebook Exercises</p> <p>The Legal Argument: CREAC, Chapter Seven, continued</p>	<p>Bluebook</p> <p>Handouts</p>
<p>March 27, 29</p>	<p>Review-Skills</p>	<p>Fajans & Falk</p>

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April 3, 5	Oral Presentations	Presentations per day
April 10,12	Oral Presentations	Presentations per day
April 17, 19	Revising and Polishing Papers	
April 24	Last Class Day	
Final Paper Due ON OR BEFORE 4 pm, Friday, May 11, 2018		