

LAW 832
ADVANCED LEGAL ANALYSIS
Fall 2017, T-TH 11-11:50 A.M.
ROOM 105 LSB
DEAN VIRGIE MOUTON, INSTRUCTOR
SEMESTER AT A GLANCE SYLLABUS

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*

Required Text:

Scholarly Writing for Law Students, Fourth Edition

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

The Bluebook, A Uniform System of Citation, Twentieth Edition or www.legalbluebook.com

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

Author: Kevin J. Fancil, LexisNexis

Recommended Texts:

Academic Legal Writing, Third Edition

Author: Eugene Volokh, Foundation Press
ISBN 978-1-59941-195-8

Legal Analysis, The Fundamental Skill, Second Edition

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

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

Office Hours: Room 223B Monday through Thursday: 2-4 p.m. Wednesday, Friday: 9 – 11 a.m. Appointments preferred. Contact Mrs. Johnson 713 313 4468

Submission	2017	+ points	- points	Total Possible Points
Thesis Statement	September 1	+ or -	+ or -	+ or -
Outline	September 22	5	5	5%
Draft I Due	October 20	10 (10 pp)	10	10%
Draft II Due	November 17	20 (20 pp)	20	20%
Final Paper Due	December 15	50	50	50 %
Oral Presentations	November (schedule signup)	15	15	15 %
Total		100 points		100 %points
Class Participation Extra Credit		10	10	+10 <hr/> 110%

CLASS ATTENDANCE

Roll is taken at the beginning of class. If you are not present when the roll is called, you will be marked absent. If you are present and leave class without permission, whether you return or not, you will be marked absent. You are expected to attend class for the full 50 minutes allotted. Reduction in final grade: for excessive absences--*Student Rules and Regulations Article III, § 9, p.21*. A list of students with excessive absences and their number of absences will be submitted to the Office of the Dean, where that office will determine the deduction of grades prior to final posting.

LAST DAY TO DROP THIS CLASS

August 23, 2017. *Student Rules and Regulations, Article III (c), p.8.*

PAPER REQUIREMENTS

- 20 double spaced typewritten pages
- 12 point font, excluding endnotes, 1 inch margins on all sides
- 75 minimum endnotes
- 15 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, December 15, 2017

ORAL PRESENTATIONS: SIGN UP: 15 minute presentation.

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General Course Description

This class is designed to help students develop their legal analysis and writing skills beyond the first and second years writing experience. It consists of scholarly legal writing by integrating the Analysis and Synthesis of Judicial Decisions, Essays, Statutes and Constitutions. It employs methods to solve legal problems incorporating 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*

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Authors: Shapo, Walter, Fajans, Foundation Press

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Author: Karen Lynn Anders, Carolina Academic Press

Course Objective

The student will be able to effectively write a scholarly legal paper consisting of a minimum of 20 double spaced typewritten pages, a minimum of 75 endnotes, and a minimum of 15 primary legal authorities.

Goals:

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

Student Learning Outcomes

Research primary and secondary information; analyze and synthesize information; use inductive and deductive reasoning as arguments in support of resolving issues; develop a thesis involving a problem; and use all the aforementioned to write a 20 page scholarly legal paper using proper attributions and citations.

Outcome 1: Students will demonstrate the ability to think critically by accurately formulating, synthesizing, and applying principles of law to resolve a legal issue.

Outcome 2: Students will demonstrate the ability to write critically by organizing and expressing ideas with precision, clarity, logic, and economy.

Objective 3: Students will demonstrate the ability to conduct effective legal research.

Objective 4. Students will demonstrate the ability to reason by analogy and engage in deductive and inductive reasoning.

Objective 5. Students will identify a current legal problem, research related materials to find possible legal remedies, analyze possible solutions, formulate legal means to resolve the problem while addressing the pros and cons of the resolution, and form a legal recommendation to correct the problem.

1. Identify the characteristics of a scholarly legal paper.
2. Apply those characteristics in writing his/her scholarly legal paper.

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

Important- Submission Dates

Submissions	Date 2017	+ points	- points	Total Possible Points
Thesis Statement	September 1	+ or -	+ or -	+ or -
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Oral Presentations	(schedule signup)	15	-15	15 %
Total		100 points		100 %points
Class Participation Extra Credit		10	10	+10 ----- 110%

Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK

(a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.

(b) A “credit hour” is an amount of work that reasonably approximates:

(1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or

(2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

TIME AND EFFORT LOG IN SUPPORT OF EARNING TWO (2) HOURS CREDIT FOR ADVANCED LEGAL ANALYSIS

To justify two hours credit for Law 832, a two (2) hour seminar, the suggested formula is two (2) 1 hour classes per week plus two hours outside class preparation for each hour of instruction time, $2 + (2 \times 2) = 6$ hours per week. During the fall semester, TMSL has 14 weeks. $6 \text{ hours} \times 14 \text{ weeks} = 84$ total hours of in class instruction and outside preparation to constitute earning two (2) hours credit.

Course Topics and Assignments

<p>Introduction to Scholarly Writing in Law School I. Introduction to Scholarly Legal Writing (Overview)</p>		
<p>Week One August 22, 24</p> <p>Assignment—Research Topics</p> <p>Identify a Research Strategy Create Primary Reading and Time Log</p> <p>August 23, 2017—Last day to drop this class, Seminar. 2017-2018 Student Rules and Regulations, Section III (1) (A) (3), p. 8.</p>	<p>Review Syllabus</p> <p>Overview of Course</p> <p>Final Outcome and Intermittent Skills</p> <p>Information Sheet</p> <p>Critical Reading of a Law Review Article (LRA) Thinking (By Writing) About Legal Writing, LRA FN1</p>	<p>Handout</p> <p>Handout</p> <p>Handout</p> <p>40 Vand. L. Rev. 135</p>
<p>Week Two</p>	<p>Chapter 1</p>	<p>Fajans, pp. 1-13</p>

<p>August 29, 31</p> <p>Submit Topic, Thesis—September 1 Research Strategy Primary Reading Log</p> <p>Week Three September 5, 7</p> <p>II. Legal Analysis A. Critical Reading B. Critical Thinking C. Critical Writing</p>	<p>Scholarly Writing in Law School; Discussion of Articles Footnotes</p> <p>Bankruptcy Claims LRA Fn8 Fajans</p> <p>Tort Law and In Vitro Fertilization</p> <p>The Transformative Nature of Blogs and their Effects on Legal Scholarship</p> <p>Black and White and Read All Over: Press Protection After Branzburg</p> <p>Chapter 1, Introduction</p> <p>Choosing a Subject and Thesis</p> <p>Creating an Outline</p>	<p>4 Brook. J. Corp. Fin. & Com. L.</p> <p>115 Yale L.J. 237</p> <p>2009 Cardozo L. Rev. De Novo 25</p> <p>57 Duke L.J. 199</p> <p>Fandl, pp. 1 - 3</p> <p>Fajans, Chapter 2</p> <p>Fajans, Chapter 4, Creating an Outline Fajans, pp. 14 - 51</p>
<p>Week Four September 12, 14</p>	<p>Judging GINA: Does the Genetic Information Act of 2008 Offer Adequate Protection... LRA</p> <p>Antitrust Leniency Programs...LRA</p> <p>The Foundations of Legal Analysis</p>	<p>75 Brooklyn L. Rev. 545</p> <p>52 Emory L.J. 1439</p> <p>Romantz, pp. 3-19</p>

	<p>Chapter 1</p> <p>Rules: Enacted Law, Case Law, Tests, Chapter 2</p> <p>What Makes Legal Writing Unique</p> <p>(repeat after Draft I)</p>	<p>Romantz, pp. 21-36</p> <p>Fandl, pp. 8 - 10</p>
<p>Week Five September 19, 21</p> <p>Outline Due September 22</p> <p>III. Legal Writing—Analysis Legal Issue, Applicable Rules, Solutions, Reasoning, Oppositions to Solutions and Solutions, Reaching a Conclusion</p> <p>A. Types of Reasoning</p>	<p>Mostly Research Stage, Chapter 3</p> <p>Chapter 7, Academic Legal Writing</p> <p>Chapter 3, Inductive Analysis and Analogical Reasoning</p>	<p>Fajans pp. 52-61</p> <p>Guest Speaker: Professor Tara Long</p> <p>Fandl pp. 81 90</p> <p>Romantz, pp.65 - 83</p>
<p>Week Six September 26, 28</p> <p>Week Seven October 3, 5</p>	<p>Chapter 4, Deductive Analysis and Rule Based Reasoning</p> <p>Chapter 5, Statutory Analysis</p> <p>Chapter 6, Policy-Based Reasoning</p>	<p>Romantz, pp.65 - 83</p> <p>Romantz, pp. 85-99</p> <p>Romantz, pp. 101- 117</p>

<p>Week Eight October 10, 12</p> <p>1st DRAFT DUE ON OR BEFORE 4 PM, February 28</p> <p>Guest Speaker: Professor Long, Footnotes Thursday, October 6</p>	<p>Chapter 6, Footnotes and the Ethical Use of Borrowed Materials</p> <p>Chapter 8, Legal Citations</p>	<p>Fajans & Falk, pp. 104-125</p> <p>Fandl, pp. 93 - 97</p> <p>Fandl, pp. 81-92</p> <p>Bluebook Legal Citations F8</p>
<p>IV. Polishing, Refining</p> <p>Week Nine October 17, 19</p> <p>Draft I Due October 20</p>	<p>Chapter 5. The Writing Process: Revising and Polishing</p> <p>Chapter 3, Making Your Writing Effective</p>	<p>Fajans & Falk pp. 80 - 103</p> <p>Fandl, pp. 15 - 21</p>
<p>Week Ten October 24, 26</p>		<p>Fajans & Falk pp. 117 - 143</p> <p>Fajans & Falk pp. 144 - 163</p>
<p>Week Eleven October 31, November 2</p>	<p>ABA Articles Writing and Reflecting</p>	<p>Handouts In-Class Writing Assignments</p>
<p>V. Professionalism</p>		

<p>Week Twelve November 7, 9</p>	<p>Oral Presentations</p>	<p>2 presentations per day (4)</p>
<p>Week Thirteen November 14, 16</p> <p>Draft II Due November 17</p>	<p>Oral Presentations</p>	<p>2 presentations per day (4)</p>
<p>Week Fourteen November 21, 23</p> <p>Final Paper Due December 15, 2017</p>	<p>Final Review</p>	

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PAPER REQUIREMENTS

- 20 double spaced typewritten pages
- 12 point font, excluding endnotes, 1 inch margins on all sides
- 75 minimum endnotes
- 15 minimum different sources
- Submissions must be in required format

PAPER SUBMISSIONS: THESIS, OUTLINE, 1ST DRAFT, 2ND DRAFT, FINAL PAPER

- (4) vmouton@tmslaw.tsu.edu AND
- (5) Hard Copy—Mrs. Rita Johnson, Dean’s Suite, sign roster at submission
- (6) On or before 4 p.m. on submission date.

ORAL PRESENTATIONS:

- (1) 10 minute presentation
- (2) Presentation based on research done at that time, whether as a work in progress or work completed

Contact Information:

Assistant Dean Virgie Mouton, Instructor

vmouton@tmslaw.tsu.edu

Phone: 713 313 7909

Office of the Dean Room 223

Mrs. Rita Johnson

rjohnson@tmslaw.tsu.edu

713 313 4468