

LAWYERING PROCESS I

SEC. 12

FALL 2019

Course Guidelines

Class Times

Tuesdays and Thursdays

9:00 to 10:15 a.m.

Room 210

PROFESSOR SHELLEY WARD BENNETT

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THE PROFESSOR & OFFICE HOURS

NAME: Shelley Ward Bennett

EMAIL: profbennett73@gmail.com

PHONE NUMBER: 713.313.4476 (Ms. Jo Alridge, Dean's office)

OFFICE HOURS: Tuesdays & Thursdays
8:00-9:00 am; 10:30-11:00am

(All other times by appointment only)

LOCATION: TBD

NOTE FROM THE PROFESSOR:

Welcome! I look forward to working with you this school year. Before beginning Lawyering Process I, you should know the course's overall goals and how we will achieve those goals. Knowing the course's objectives and methodology will help you understand the purpose behind the assignments you will receive during this semester. This Course's objectives and methodology are explained on pages 5-7.

Email is the best way to reach me. You can email me anytime and I will reply to you as soon as I am able. 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 the event I need to reply to the entire class, I will not reveal the identity of the student who posed the question.

I welcome your questions by email, provided you adhere to the following requirements. If you send me a question by email, you must identify the steps you have taken to solve the problem or answer your specific question or issue. 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.

COURSE BOOKS & MATERIAL

The *required* textbooks for this course are:

Coughlin, Malmud, & Patrick, A Lawyer Writes, 3rd Edition
Graham & Felsenberg, The Pre-Writing Handbook for Law Students: A Step-by-Step Guide, 2nd Edition
The Bluebook, A Uniform System of Citation, 20th Edition

The highly recommended textbooks for this course are:

Garner, The Redbook: A Manual on Legal Style
Black's Law Dictionary

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 some of them right away.

From time to time throughout the semester, I will hand out or post on TWEN 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 is 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.

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.
3. **Critical Reading and Thinking**—reading and understanding judicial opinions and the impact the opinions may have on future cases, narrowing and expanding holdings in opinions, analogizing and distinguishing precedent, synthesizing opinions, and interpreting statutes.
4. **Citation skills**—properly citing to legal authority in accordance with the Bluebook.
5. **Professionalism**—acting like a model lawyer by being on time, prepared for class, courteous to your classmates and to me, and timely with your submission of all assignments.

OBJECTIVE:

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 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 court rules.

COURSE METHODOLOGY

Course Methodology: Learning by Doing

The best way to learn lawyering skills is to practice 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, as well as how to present your arguments in writing effectively.

Finally, please note that you are expected to have completed the reading and writing assignments in the Syllabus no later than the date that the assignments appear on the Syllabus. For instance, if under the date “Tuesday, August 20, 2019,” it says read pages 1-20 in a Lawyer Writes, you should have done this reading before you enter the 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.

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:

- | | |
|---|-----|
| • Legal Analysis and Writing (Prof. Bennett) | 70% |
| • Legal Research Class (Prof. Norris) | 20% |
| • Advanced Grammar Review Class (Prof. Kelly) | 10% |

—————
TOTAL: 100%

In particular, your grade for Legal Analysis and Writing will be based on the cumulative total of the scores you have received for the following:

- | | |
|---|-------------------|
| • Writing Assignment #1 | 30 points or 3% |
| • Writing Assignment #2 | 50 points or 5% |
| • Writing Assignment #3 | 300 points or 30% |
| • Other Assignments (total) | 250 points or 25% |
| • Participation, Professionalism, and Attentiveness | 70 points or 7% |

—————
TOTAL: 700 points or 70%

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

Finally, 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 to have these ranges 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

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/academics/18SuAccommodationsInformationWeb.pdf>

Also, please contact Dean Virgie Mouton (Student Affairs) if you require any special accommodations regarding any of the assignments, including, but not limited to, extensions, note-taking, etc. You must contact Dean Mouton before the related assignment is due.

Dean Mouton

Assistant Dean for Student Development and Academic Support

Phone: 713.313.7909

Email: vmouton@tmslaw.tsu.edu

WELLNESS RESOURCES

Law school is hard. It's stressful and all consuming. It can get the best of all of us sometimes. If you are struggling, I encourage you to get some help. If you see someone else struggling, encourage that person to reach out. We have to take care of ourselves and each other.

Dean Mouton works with students to resolve issues that might impact their course of study. You can reach her at vmouton@tmslaw.tsu.edu or 713.313.7909.

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. <http://students.tsu.edu/departments/university-counseling-center/>. 713.313.7804 during business hours (M-F, 8-5). 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. <https://www.tlaphelps.org>. 800.343.8527 (available 24/7)

I'm always available, if you need a sounding board or have any other type of problem you need to discuss. Please drop in during office hours or email me.

PARTICIPATION, PROFESSIONALISM & ATTENTIVENESS

Class participation will be considered in determining your final course grade. “Participation, Professionalism and Attentiveness” points (“PPA points”) **will be deducted** 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; 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; surfing the internet; 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. 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.

You can earn participation points in the following ways:

- i. By actively participating in class exercises and assignments, bringing your materials, and being prepared for class.
- ii. By completing your court observation assignment. As part of your experiential learning experience, you are asked to observe live courtroom proceedings in any court of law. By the last day of class in the fall semester, **you must have observed at least three hours of courtroom practice in person to earn 50 points toward your PPA grade.** Please complete the court observation form (posted on TWEN) and submit it on TWEN before the last day of class. Please dress in business casual or business formal attire and take your resume. Every time we step into a courtroom, we represent ourselves but also Thurgood Marshall School of Law, so please be attentive and show your interest—proper courtroom decorum is required. Lawyers and judges are curious and proactive people; they may ask what you are doing and could even want to help you find a job or internship. If you have problems scheduling a court visit during the day, remember that some courts hold night hours. You could attend with a classmate or two and therefore share parking fees.
- iii. By completing a weekly entry in your Gratitude Journal, which we will discuss in class.

Finally, state law permits you to carry a concealed firearm on campus into areas that have not been designated as gun-free zones, *provided that you have a Texas license to carry a concealed gun*. My office is a *gun-free zone*; thus, it is unlawful to carry a firearm inside my office irrespective of whether you have a license to carry. 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.

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. 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 major writing assignments for this course. You will complete one memorandum for Writing Assignment #1, one memorandum for Writing Assignment #2, and one memorandum for Writing Assignment #3. You must use an anonymous EXAM NUMBER when submitting each of these assignments. DO NOT put your name on any of these graded writing assignments, 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 memorandum does not include all of the relevant sections for a memorandum 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-written, 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. You must satisfactorily complete each assignment. 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 major 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. As mentioned, these assignments include, but are not limited to, the case briefs, tests, legal analysis drills, 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).

Assessment

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. Often these come in the form of comments and suggestions for your writing, rendered in writing or 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.

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 legal analysis 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 20 to 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 font and submitted on plain white, 8-1/2 x 11 inch paper (using one side only).
- The font size must be 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. This means no typing of any sort should be in the one-inch white space of the margins.
- No page may include more than 25 lines per page (including footnotes).
- Text must be double-spaced. Footnotes, block quotes, and headings 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 at least a ½ inch in length.
- Each assignment must be consecutively paginated at the bottom of each page (centered).
- Please remove individually-identifying meta data from any document you turn in, so the anonymity of the grading process is preserved.
- Be sure to print a hard copy of your assignment and check to make sure that you have complied with these format requirements.
- Lastly, all pages of each assignment must be stapled together (in the upper left-hand corner).

Consequences for Late or Over-Length of Miscellaneous Assignments

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. Accordingly, you will receive a significant grade reduction for late assignments.

Please note that you will be required to upload most, if not all, of your assignments on TWEN in an Assignment Drop Box. Whenever you have successfully submitted or uploaded a document in the Assignment Drop Box, you will receive an email confirmation from TWEN notifying you that your document has been successfully submitted. 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, it is highly recommended that you do not wait until the very last minute to submit an assignment online, as this could result in a late submission for the assignment. Rather, you should upload a document on TWEN at least the day before it is due. Finally, it is your responsibility to prove that you submitted an

assignment on TWEN by the deadline; thus, for your own protection, it is highly recommended that you save your emails confirming that you timely submitted an assignment.

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.

In the real world, lateness has serious consequences. Similarly, lateness will have serious consequences in class. If an assignment is turned in less than one hour late, 10% 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-hour hours, a further 10% will be deducted before any other deductions. The same rule will apply for subsequent days until no points remain.

Attendance

Class attendance is mandatory. Roll will be taken at the beginning of each class. 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.

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. If you are unclear whether collaboration is allowed on a particular assignment, please ask me.

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, you will receive a “0” for the assignment and the matter may be forwarded to the Dean for appropriate action.

Letters of Recommendation

Letters of recommendation will be written upon request, provided that you: (1) work diligently 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.”

SYLLABUS

WEEK 1

TUESDAY, AUGUST 20, 2019

Topic: **Introduction to Legal Writing and Legal Analysis**

Read: Course Guidelines and Syllabus (posted on TWEN)

“Writing in a Legal Context” (posted on TWEN)

A Lawyer Writes Ch. 1 (“How Attorneys Communicate”)

“The Imposter Syndrome Prescription” by Kara Loewentheil (posted on TWEN)

In-Class Exercise: Decoding the Dress Code, Sheila’s Tube Top Exercise

THURSDAY, AUGUST 22, 2019 (Class 2)

Topic: **Case Briefing; Pre-Writing: Overview of the Four Stages of the Pre-Writing Process**

Read: The Pre-Writing Handbook for Law Students (“PWH”) Ch. 1

A Lawyer Writes pp. 33-34 (“Reading for Comprehension”) & pp. 45-59 (“Reading Judicial Opinions”)

“The Critical Legal Thinker’s Case Briefing Model” (posted on TWEN)

“How to Brief a Case” (posted on TWEN)

Eilers v. Coy (posted on TWEN)

In-Class Exercises: Brief Eilers v. Coy

Gratitude Journal entry

WEEK 2

TUESDAY, AUGUST 27, 2019 (Class 3)

Topic: **Pre-Writing: Understanding the Story and Understanding Your Specific Assignment**

Read: PWH Ch. 2 & CH. 3

Due: Typed and printed brief of Eilers v. Coy (use one of the briefing models suggested by “The Critical Legal Thinker’s Case Briefing Model” or “How to Brief a Case”)

Draft of your response to PWH Ex. 2-3 to use in class due at the beginning of class. You do not need to draft a response to PWH Ex. 3-3 before class.

In-Class Exercises: PWH Independent Practice Ex. 2-3 (pp. 23-27)

PWH Independent Practice Ex. 3-3 (p. 42)

THURSDAY, AUGUST 29, 2019 (Class 4)

Topic: **Pre-Writing: Reading and Assessing the Relevant Authorities; Overview of Sources of Law with a Focus on Judicial Opinions**

Read: PWH Ch. 6 pp. 61-78 (complete exercises 6-1 (p. 65), 6-2 (p. 73), and 6-3 (p. 77))

A Lawyer Writes Ch. 2 (“Sources and Systems of the Law”)

“Lightening the Cognitive Load: Maximizing Learning in the Legal Writing Classroom” by Rosa Kim (posted on TWEN)

Due: Typed and printed briefs of Shipley v. State of Graburg and Monroe v. State of Graburg found within PWH Ch. 6 due at the beginning of class. Bring an extra copy to work from in class.

In-Class Exercise: Gratitude Journal entry

WEEK 3

TUESDAY, SEPTEMBER 3, 2019 (Class 5)

Topic: **Developing Your Analysis Starting With Identifying the Governing Rule**

Read: **complete Ch. 6**

A Lawyer Writes pp. 61-72 (“Finding Your Argument”)

Due: Legal Analysis Orientation to Critical Thinking Ex. # 3

Writing Assigned # 1 Assigned. Bring WA # 1 Materials to class for next two weeks.

WEDNESDAY, SEPTEMBER 5, 2018 (Class 8)

Topic: Applying the Law to the Facts; Rule-Based Reasoning v. Analogical Reasoning

Read: Reader pp. 29-31 (“Rule-Based Reasoning”; “Analogical Reasoning”)
A Lawyer Writes pp. 93-97 (“One Legal Argument”), 143-146 (“Applying the Law: Rule-Based Reasoning”), & 147-161 (“Applying the Law: Analogical Reasoning”)

THURSDAY, SEPTEMBER 6, 2018 (Class 9)

Topic: **Identifying Sub-Rule(s)/Test(s)**

Read: Writing Assignment # 1 (“WA # 1”)
Reader pp. 66-67 (“How to Derive a Test”)
Reader pp. 44-49 (“Guidance on How to Generate a Test from Precedent (Eilers)”)

WEEK 4

TUESDAY, SEPTEMBER 11, 2018 (Class 10)

Topic: **Sub-Rules (cont’d)**

Read: Re-read WA # 1 case, brief and identify governing rule and sub-rule

Due: Brief of WA # 1 Case, Rule and Sub-rule (should be in the same document). When generating sub-rule/test, use the “Guidance on How to Generate a Test from Precedent” in the Reader pp. 68-71. **Post brief & rules document on TWEN by 8:00 a.m. using *anonymous exam* #.** Bring a copy of brief and test to class and all WA # 1 materials.

(In class—identify governing rule & derive test for WA # 1 using pgs. 68-71)

WEDNESDAY, SEPTEMBER 12, 2018 (Class 11)

Topic: **The Basic Principles of the Predictive Memo; Organizational Structure of the Predictive Memo; Explaining the Law Through Case Illustrations (Rule Proofs); Introduction to Citation**

Read: A Lawyer Writes pp. 113-132 (“Explaining the Law: Case Illustrations”) & pp. 133-139 (“Explaining the Law: Citing and Avoiding Plagiarism”)

Bluebook pp. 3 (“Introduction”), Rule B1.1 (“Citation Sentences & Clauses”), B10.1-B10.1.3 (Full Citation of Cases), B10.1.6

Due: Rule Proof of WA # 1 Case. Bring to class.

THURSDAY, SEPTEMBER 13, 2018 (Class 12)

Topic: **Affirmative Analyses/Arguments/Counter-Analyses/Arguments**

Read: A Lawyer Writes pp. 163-174 (“Applying the Law: Counter-Analyses”)

Due: List all the affirmative arguments and counter-arguments and bring to class

WEEK 5

TUESDAY, SEPTEMBER 18, 2018 (Class 13)

Topic: **Writing Your Analysis**

Read: A Lawyer Writes, pp. 175-177 (“Applying the Law: Organizing Your Application of the Law”); pp. 179-184 (“Conclusions to One Legal Argument”); pp. 185-192 (“Policy”)

Due: Legal Analysis Beginning Rule-Based Reasoning Exercise # 11 (post on TWEN by 8:00 a.m.)

WEDNESDAY, SEPTEMBER 19, 2018 (Class 14)

Topic: **Outlining; Editing & Polishing Memo**

Read: A Lawyer Writes, pp. 259-272 (“Editing & Polishing”)

THURSDAY, SEPTEMBER 20, 2018 (Class 15)

Topic: **Polishing Memo; Last-Minute Questions Concerning WA 1**

Read: Lawyer Writes pp. 272-283 (“Polish Your Memorandum”) Reader pp. 72-75 (Abner case); & pp. 78-79 (“Firm’s Late Motion Filing (By a Minute) Proves Costly”)

WEEK 6

MONDAY, SEPTEMBER 24, 2018

WRITING ASSIGNMENT # 1 DUE ON TWEN BY 8:00 A.M. Please refer to instruction memo to make sure you have followed all instructions and use exam #

TUESDAY, SEPTEMBER 25, 2018 (Class 16)

Topic: Discussion of Other Memo Sections; Statement of Facts

Read: Reader pp. 50-62 (“Predictive Writing Notes—Part I”) in conjunction with Sample Memo Template Posted on TWEN
A Lawyer Writes pp. 245-253 (“Statement of Facts”)

Writing Assignment # 2 Assigned

WEDNESDAY, SEPTEMBER 26, 2018 (Class 17)

Topic: Statement of Facts (cont’d) & Remaining Memo Sections

Read: A Lawyer Writes pp. 229-244 (“Question Presented and Brief Answer”)

THURSDAY, SEPTEMBER 27, 2018 (Class 18)

Topic: Timed and Written In-class Legal Analysis Drill—One-Class Wonder

WEEK 7

Announcement: Pick up Exam # 2 This Week

TUESDAY, OCTOBER 2, 2018 (Class 19)

Topic: Charting & Synthesizing Cases To Create Sub-Rules

Read: A Lawyer Writes pp 73-91 (“Organizing Your Legal Authority”)

Due: Legal Analysis Beginning Analogical Reasoning Exercise # 39

WEDNESDAY, OCTOBER 3, 2018 (Class 20)

- Topic:** **Sub-Rules (cont'd)**
- Read:** A Lawyer Writes pp. 99-112 (“Explaining the Law”)
- Due:** WA # 2 Case Chart and Tentative Sub-Rules

THURSDAY, OCTOBER 4, 2018 (Class 21)

- Topic:** **Writing Discussion Section with Multiple Issues & Authorities**
- Read:** A Lawyer Writes p. 211-227 (“The Discussion Section: Introducing & Connecting Legal Arguments”)
Reader pp. 102-107 (“Predictive Writing Notes—Part II”)

WEEK 8

TUESDAY, OCTOBER 9, 2018 (Class 22)

- Topic:** **Washburn Case Synthesis Exercise**
- Read:** Reader pp. 81-96 (Washburn Exercise & Cases), 99-101 (“Worksheet: Case Synthesis Process”)
- Due:** Bring briefs of Washburn cases to class

WEDNESDAY, OCTOBER 10, 2018 (Class 23)

- Topic:** **Washburn Exercise (cont'd)**
- Due:** Completed Washburn Case Chart/Diagram in Reader pp. 97-98; you do not need to use an exam number for this assignment. Please bring a copy of your chart or diagram to class for use during class instruction. You may create your own chart.

THURSDAY, OCTOBER 11, 2018 (Class 24)

Washburn Robbery In-Class Exercise

WEEK 9

Midterm Examination Week

TUESDAY, OCTOBER 16, 2018 (Class 25)

Topic: **Organizing Memo With Multiple Issues & Authority Revisited**

Due: Outline of Entire Memo for WA # 2. Use the outline in the Reader on p. 64 as a guide. Do not simply copy guide but complete an outline drafted specifically for WA # 2.

WEDNESDAY, OCTOBER 17, 2018 (Class 26)

Topic: **Citation Revisited (Multiple Authorities, Short Forms)**

Read: Bluebook Rules B1.2 (“Introductory Signals”), B10.2 (“Short Form Citation”)

(Bring Bluebooks to class)

THURSDAY, OCTOBER 18, 2018 (Class 27)

Topic: **Editing & Polishing Revisited & Open Discussion on WA 2**

Read: Supplemental Reading on TWEN regarding proofreading and editing Bluebook B5.1-B5.2 (“Quotations”) & B7 (“Italicization for Style and in Unique Circumstances”)

WEEK 10

Sign up for Writing Assignment #2 Meetings this Week!

MONDAY, OCTOBER 22, 2018

WRITING ASSIGNMENT # 2 DUE ON TWEN BY 8:00 A.M.

TUESDAY, OCTOBER 23, 2018 (Class 28)

Topic: Peer Editing Exercise in Class

Re-Read: Lawyer Writes pp. 259-283 (“Editing & Polishing”)

Bring a hard copy of Writing Assignment # 2 to class—Remove your exam #

Writing Assignment # 3 Assigned

WEDNESDAY, OCTOBER 24, 2018 (Class 29)

Topic: Peer Editing Exercise (cont’d)

Read: Writing Assignment # 3 Instructions & Fact Documents

THURSDAY, OCTOBER 25, 2018 (Class 30)

Topic: In-Class Timed and Written Legal Analysis Drill—One-Class Wonder

Read: Start reading and briefing WA # 3 Cases

WEEK 11

MONDAY, OCTOBER 29, 2018 through FRIDAY, NOVEMBER 2, 2018 (Classes 31-33)

MANDATORY ONE-ON-ONE STUDENT CONFERENCES IN LIEU OF CLASSES

Pick up third and final anonymous exam # this week

WEEK 12

TUESDAY, NOVEMBER 6, 2018 (Class 34)

Topic: **In-Class Timed and Written Legal Analysis Drill—One Class Wonder**

(By now, you should have charted all cases, identified governing rules & sub-rules, and outlined your entire discussion section including arguments, counter-arguments and rebuttal for WA # 3)

Due: Legal Analysis Intermediate Rule-Based Exercise # 29

WEDNESDAY, NOVEMBER 7, 2018 (Class 35)

Topic: **Review of One Class Wonder Answer**

Re-Read: Lawyer Writes pp. 211-226 (“The Discussion Section: Introducing and Connecting Legal Arguments”)

THURSDAY, NOVEMBER 8, 2018 (Class 36)

Topic: **In-Class Timed and Written Legal Analysis Drill—One Class Wonder**

Read: Legal Analysis pp. 316-322

WEEK 13

TUESDAY, NOVEMBER 13, 2018 (Class 37)

Topic: **Editing and Polishing Revisited**

Read: Supplemental Reading posted on TWEN
Reader pp. 65 (“Verbs in Legal Writing”) & 108 (“Advanced Legal Writing & Editing”)

(By now you should have a complete roughdraft of WA # 3 all sections)

Due: Legal Analysis Intermediate Analogical Reasoning Exercise # 43

WEDNESDAY, NOVEMBER 14, 2018 (Class 38)

Topic: Timed and Written In-Class Legal Analysis Drill—One Class Wonder

Re-Read: Legal Analysis pp. 328-333

THURSDAY, NOVEMBER 15, 2018 (Class 39)

Topic: Citation Revisited & Citation Exercise in Class

Re-Read: Bluebook Rules B1.1 (“Citation Sentences & Clauses”), B10.1-B10.1.3 (Full Citation of Cases), B10.1.6 (“Prior or Subsequent History”), B1.2 (“Introductory Signals”)

Bring Bluebooks to class & you should have a complete draft of WA # 3 by this date

WEEK 14

MONDAY, NOVEMBER 19, 2018 (Class 40)

WRITING ASSIGNMENT #3 (Final Exam) DUE (Upload on TWEN by 8:00 a.m. using your third anonymous grading number. Additionally, submit a hard copy to my Assistant as instructed in the Assignment’s Instructional Memo or in class. Please note that your hard copy *must be an exact replica of TWEN submission*; any deviation from TWEN submission will be considered an act of dishonest or cheating and will be handled accordingly.)

TUESDAY, NOVEMBER 20, 2018 (Class 41)

Topic: Review

WEDNESDAY, NOVEMBER 21, 2018 (Class 42)

Topic: Spring Preview

THURSDAY, NOVEMBER 22, 2018

No class—HAPPY THANKSGIVING!