

LAWYERING PROCESS I – FALL 2019 SYLLABUS

WEEK 1

TUESDAY, AUGUST 20, 2019 (Class 1)

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”)

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”) & Section 3.2 (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)

Due: Print and bring a copy of Eilers to class.

In-Class Exercise: 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”)

Due: Typed and printed briefs of Shipley and Monroe 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:** **Pre-Writing: Reading and Assessing the Relevant Authorities, cont'd; Rule-Based Reasoning v. Analogical Reasoning**
- Read:** “Rule-Based Reasoning”; “Analogical Reasoning” (posted on TWEN)
- A Lawyer Writes Ch. 6 (“One Legal Argument”), Section 8.1 (pp. 143-46) (“Applying the Law: Rule-Based Reasoning”), Section 8.2 (pp. 147-61) (“Applying the Law: Analogical Reasoning”)
- Due:** Brief the following cases (posted on TWEN):
- White v. Holiday Kamper & Boats
State v. Hoshijo ex rel. White
- Bring two copies of your briefs, one to turn in at the beginning of class and one to use during class.

THURSDAY, SEPTEMBER 5, 2019 (Class 6)

- Topic:** **Pre-Writing: Building a Bridge Between Reading and Analysis, Analyzing Your Issues, and Moving from Pre-Writing to Writing**
- Read:** PWH Ch. 7, Ch. 8, and Ch. 9
- Due:** Consider the relevant categories of fact you would use to create a visual representation of the hotel vicarious liability scenario and bring a draft of your categories of fact to use in the in-class exercise below.
- In-Class Exercise:** Independent Practice Exercise 7.3 (p. 117)
- Independent Practice Exercise 8.3 (p. 132) (use the visual representation created for Independent Practice Exercise 7.3 to complete Independent Practice Exercise 8.3)
- Gratitude Journal entry

WEEK 4

TUESDAY, SEPTEMBER 10, 2019 (Class 7)

Topic: **The Basic Principles of the Predictive Memo; Introduction to CRAC/CRRPAC; Finding Your Argument, Developing Your Analysis, and Identifying Your Rule**

Read: A Lawyer Writes, Ch. 4 (“Finding Your Argument”) & Section 7.1 (pp. 101-12) (“Explaining the Law: Rules”)

Predictive Reading Notes Part I (posted on TWEN)

In-Class Exercise: Legal Analysis Exercise 3

THURSDAY, SEPTEMBER 12, 2019 (Class 8)

Writing Assignment #1 Assigned

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

Read: “How to Derive a Test” (posted on TWEN)

“Guidance on How to Generate a Test from Precedent (Eilers)” (posted on TWEN)

Due: Answer to Legal Analysis Exercise 11 (problem posted on TWEN). Type and print your answer and bring to class to turn in.

Legal Analysis Take-Home Quiz

In-Class Exercise: Draft rules and sub-rules (tests)) for Shipley and Monroe

Gratitude Journal entry

WEEK 5

TUESDAY, SEPTEMBER 17, 2019 (Class 9)

- Topic:** **Discussion of Writing Assignment #1; Explaining the Law Through Case Illustrations (“Rule Proofs”)**
- Read:** Writing Assignment #1 (all parts, including the case)
- A Lawyer Writes Section 7.2 (pp.113-32) (“Explaining the Law: Case Illustrations”)
- Due:** Brief of WA1 case along with the rule and sub-rules (tests) from the WA1 case (all in one document).
- Bring a copy of all WA1 materials along with two printed copies of your WA1 brief, rule, and sub-rules (tests).

THURSDAY, SEPTEMBER 19, 2019 (Class 10)

- Topic:** **Case Illustrations (“Rule Proofs”) and Writing Your Analysis; Affirmative Analysis/Arguments**
- Read:** A Lawyer Writes Section 7.2 (pp. 113-32) (“Explaining the Law: Case Illustrations”), Section 8.4 (pp. 174-77) (“Applying the Law: Organizing Your Application of the Law”) & Ch. 9 (pp. 179-84) (“Conclusions to One Legal Argument”)
- Due:** Draft a case illustration/rule proof of WA1 case; bring two printed copies to class.
- In-Class Exercise:** Gratitude Journal entry

WEEK 6

Pick up your first anonymous exam number for this class.

TUESDAY, SEPTEMBER 24, 2019 (Class 11)

- Topic:** **Affirmative Analysis/Arguments; Counter-Analysis/Arguments; Rebuttals**
- Read:** A Lawyer Writes Section 8.3 (pp. 163-74) (“Applying the Law: Counter-Analysis”)
- Due:** Draft bullet points for your WA1 affirmative argument; print two copies and bring to class.

THURSDAY, SEPTEMBER 26, 2019 (Class 12)

- Topic:** **Writing Assignment #1 Open Discussion**
- Due:** Bring all WA1 materials to class
- In-Class Exercise:** Gratitude Journal entry

WEEK 7

TUESDAY, OCTOBER 1, 2019 (Class 13)

Topic: **Statement of Facts**

Read: A Lawyer Writes Ch. 14 (“Statement of Facts”)

In-Class Exercises: Statement of facts exercises

THURSDAY, OCTOBER 3, 2019 (Class 14)

Topic: **Editing and Polishing Your Memo; Introduction to Citation**

Read: A Lawyer Writes, Section 7.3 (pp. 133-39) (“Explaining the Law: Citing and Avoiding Plagiarism”), Ch. 16 (“Editing & Polishing”)

Bluebook p. 3 (“Introduction”), Rule B.1.1 (“Citation Sentences & Clauses”), B.10.1-B10.3 (Full Citation of Cases), B.10.2 (“Short Citation Form”)

“Client’s Case Dismissed After Attorney Filed Key Document 19 Minutes Late” (posted on TWEN)

“Firm’s Late Motion Filing (By a Minute) Proves Costly” (posted on TWEN)

Due: Bring Bluebook to class.

Bring all WA1 materials to class.

In-Class Exercise: Gratitude Journal entry

WEEK 8

Conference Week

MONDAY, OCTOBER 7, 2019

WRITING ASSIGNMENT # 1 DUE (see assignment sheet for turn-in instructions). USE AN EXAM NUMBER.

TUESDAY, OCTOBER 8, 2019 (Class 15)

Writing Assignment #2 Assigned

Topic: **Discussion of Other Memo Sections; Organizing and Analyzing Research; Outlining**

Read: A Lawyer Writes Ch. 5 (“Organizing Your Legal Authority”), Ch. 15 (“Conclusion to the Memorandum”)

THURSDAY, OCTOBER 10, 2019 (Class 16)

Topic: **Discuss WA2; Common Problems on WA1; Question Presented and Brief Answer**

Read: A Lawyer Writes Ch. 13 (“Question Presented and Brief Answer”) All WA2 Materials (posted on TWEN)

In-Class Exercise: Drafting question presented and brief answer

Gratitude Journal entry

WEEK 9

Mid-Terms Week

TUESDAY, OCTOBER 15, 2019 (Class 17)

Topic: **Introducing and Connecting Legal Arguments; Working with Multiple Issues and Multiple Authorities; Synthesizing Cases to Create Sub-Rules**

Read: A Lawyer Writes Ch. 12 (“The Discussion Section: Introducing and Connecting Legal Arguments”)

Predictive Writing Notes Part II (posted on TWEN)

Outline Template (posted on TWEN)

“Synthesizing Cases: Rule Synthesis” (posted on TWEN)

Due: Exercise V-3 from “Synthesizing Cases: Rule Synthesis”; type your answer and bring two copies to class.

WA2 Case Chart. Bring one copy to class to turn in.

In-Class Exercise: Case synthesis exercises

THURSDAY, OCTOBER 17, 2019 (Class 18)

Topic: **Synthesizing Cases to Create Sub-Rules (continued)**

Read: “A Rule Synthesis Exercise” (posted on TWEN)

Due: For each of the cases in the “A Rule Synthesis Exercise,” type the rule that each case suggests about when landowners have a duty to provide security to people on their property; bring two copies of your rules to class.

In-Class Exercise: Case synthesis exercises

Gratitude Journal entry

WEEK 10

TUESDAY, OCTOBER 22, 2019 (Class 19)

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

Read: Bluebook Rule B.1.1 (“Citation Sentences & Clauses”), B.10.1-B10.3
(Full Citation of Cases), B.10.2 (“Short Citation Form”)

Due: Outline of all sections and all arguments for WA2; type it and bring two
copies to class.

Draft question presented/brief answer and discussion section heading for
the first element of WA2 (the element you briefed in WA1); type it and
bring two copies to class.

Bring Bluebook to class.

In-Class Exercise: Citation exercises

THURSDAY, OCTOBER 24, 2019 (Class 20)

Topic: **WA2 Open Discussion**

Due: Citation Exercise 1

Bring all WA2 materials to class.

In-Class Exercise: Gratitude Journal entry

WEEK 11

Conference Week

MONDAY, OCTOBER 28, 2019

WRITING ASSIGNMENT # 2 DUE (see assignment sheet for turn-in instructions). **USE THE SAME EXAM NUMBER AS YOU DID FOR WA1.**

TUESDAY, OCTOBER 29, 2019 (Class 21) – **NO CLASS**. **Mandatory individual conferences in lieu of class.**

THURSDAY, OCTOBER 31, 2019 (Class 22)

Topic: **Peer Editing in Class**

Due: Bring a hard copy of WA2 with you to class (the exact version you uploaded to TWEN and turned in)

In-Class Exercise: Gratitude Journal entry

****NOTE: Some sections are not having class on 10/31. Our section is having class this day because, unlike those sections, we will not have class on 11/26.**

FRIDAY, NOVEMBER 1, 2019

Writing Assignment #3 Assigned

WEEK 12

Conference Week

TUESDAY, NOVEMBER 5, 2019 (Class 23)

Topic: **Guest Speaker** (time and location TBD)

15-minute meeting to go over WA3 (time and location TBD)

THURSDAY, NOVEMBER 7, 2019 (Class 24)

Topic: **Advanced Citation (Signals, Parentheticals, Quotations)**

Read: Bluebook Rule B1.2 (“Introductory Signals”), Rule B5.1-B5.3
 (“Quotations”)

Start reading and briefing WA3 cases

Due: Bring Bluebook to class

In-Class Exercise: Citation exercise

Gratitude Journal entry

WEEK 13

TUESDAY, NOVEMBER 12, 2019 (Class 25)

Topic: **Common Problems on WA2; WA2 Self-Improvement In-Class Exercise**

(By 11/12, you should have charted all cases, identified governing rules & sub-rules, and outlined your entire discussion section including arguments, counter-arguments, and rebuttal for WA3)

Due: Citation Exercise 2

Bring to class your laptop and all WA2 materials.

THURSDAY, NOVEMBER 14, 2019 (Class 26)

Topic: **Targeted Grammar and Writing Mechanics Lesson**

Read: Supplemental Materials posted on TWEN

In-Class Exercise: Gratitude Journal entry

WEEK 14

Pick up your second anonymous exam number for this class.

TUESDAY, NOVEMBER 19, 2019 (Class 27)

Topic: In-Class Legal Analysis Exercise

Due: Grammar Exercise

(By 11/19, you should have a complete rough draft of all WA3 sections)

THURSDAY, NOVEMBER 21, 2019 (Class 28)

Topic: Editing and Polishing Review; Open Discussion of WA3

Due: Bring all WA3 materials to class.

In-Class Exercise: Gratitude Journal entry

WEEK 15

TUESDAY, NOVEMBER 26, 2019 (Class 29) – **NO CLASS**

WRITING ASSIGNMENT # 3 (Final Exam) DUE (see assignment sheet for turn-in instructions). **USE A NEW EXAM NUMBER.**

****NOTE:** Some sections are having class on 11/26. Our section is not having class this day because, unlike those sections, we had class on 10/31 instead.

Congratulations, you have almost finished your first semester of law school! Good luck with finals, and I hope you have a great winter break!