ADVANCED LEGAL ANALYSIS

COURSE NUMBER 832

FALL - 2019

TUESDAY/THURSDAY *1:00 – 1:50 PM* ROOM 203

VIRGIE MOUTON

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THE PROFESSOR

NAME: Virgie Mouton

TELEPHONE: (713) 313-7909

EMAIL: vmouton@tmslaw.tsu.edu

LOCATION: 223B

OFFICE HOURS: Monday – Thursday: 2 – 4
Wednesday, Friday: 9 – 11
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, Fifth Edition
Authors: Elizabeth Fajans and Mary R. Falk, West Group ISBN 978-1-68328-207-5

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 or
www.legalbluebook.com

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

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:

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*

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 advanced 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 to craft arguments in support of resolving issues; develop a thesis stating a legal problem with a legal solution, 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 a legal means of resolving 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 legal 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 in support of 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.

GRADING

Submission	2019	+ points	- points	Total Possible Points
Thesis Statement	September 10	2	2	2
Outline	September 24	3	3	3
Draft I Due	October 10	5 (5 pp. min)	5	5
Draft II Due	November 5	10 (10 pp. min)	10	10
Final Paper Due	December 13	70	70	70
Oral Presentations	November 12 -26 (schedule signup)	10	10	10
Total		**100 points**		**100 points**
Class Participation Extra Credit	**Assignments Time Logs Class Recitation**	**10**	**10**	**+10** ———— **110**

ACCOMMODATIONS

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

Counseling Center

Students are strongly encouraged to call the University Counseling Center for assistance if they need help in coping with the pressures of law school. 713-313-7804.

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

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 – Seminar Limited Drop

Wednesday, August 21, 2019. *Student Rules and Regulations, Article III (c), p.8.*

TEXAS SOUTHERN UNIVERSITY   THURGOOD MARSHALL SCHOOL OF LAW
*****TENTATIVE *****ACADEMIC CALENDAR 2019–2020

FALL SEMESTER ACCELERATED (TURBO) COURSE

First Day of Accelerated Summer	Monday	August 5, 2019
Last Day to Add/Drop Classes	Monday	August 5, 2019
Last Day of Classes	Friday	August 16, 2019

FALL SEMESTER 2019 (SEVENTY-ONE DAYS OF CLASSES)

Orientation	Monday–Friday	August 12–16, 2019
First Day of Class	**Monday**	**August 19, 2019**
Last Day to ADD/DROP	Wednesday	August 21, 2019
Labor Day (NO CLASSES)	**Monday**	**September 2, 2019**
Purge of all unpaid course selections	Wednesday	September 18, 2019
Mid Term Examinations	**Monday–Friday**	**October 14–18, 2019**
Last Day to Drop a Class	Friday	November 8, 2019
Last Day of Classes	Tuesday	November 26, 2019
First Year Professors' Grades due	Tuesday	November 26, 2019
Reading Period (NO CLASS)	**Wednesday**	**November 27, 2019**
Thanksgiving Holiday	**Thursday–Friday**	**November 28–29, 2019**
Reading Period (NO CLASS)	**Saturday–Sunday**	**November 30–December 1, 2019**
Final Examinations	Monday–Friday	December 2–December 13, 2019
Commencement Exercises	Saturday	December 14, 2019

SPRING SEMESTER 2020 (SEVENTY DAYS OF CLASSES)

School Opens	Thursday	January 2, 2020
First Day of Class	Monday	January 13, 2020
Last Day to ADD/DROP	Wednesday	January 15, 2020
M L K Holiday (No Classes)	**Monday**	**January 20, 2020**
Purge of all unpaid course selections	Friday	February 7, 2020
Mid Term Examinations	Monday–Friday	March 9–13, 2020
Spring Break	Monday–Friday	March 16–20, 2020
Spring Break (University Closed)	**Wednesday–Friday**	**March 18–20, 2020**
Last Day to Drop a Class	Thursday	April 9, 2020
Good Friday (No Classes)	**Friday**	**April 10, 2020**
Last Day of Classes	Tuesday	April 28, 2020
First Year Professors' Grades due	Tuesday	April 28, 2020
Reading Period (**No Classes**)	Wednesday–Sunday	April 29–May 3, 2020
Final Examinations	Monday–Friday	May 4–May 15, 2020
Hooding Ceremony	Friday	May 15, 2020
Commencement Exercises	Saturday	May 16, 2020

Please note that the calendar events and /or dates are subject to change.
Updated July 2019

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, December 13, 2019

ORAL PRESENTATIONS: SIGN UP: 15 minute presentation.

Weekly Schedule

Final Paper	Write a Scholarly Legal Article of Law Review Quality	Due on or before 4 pm <mark>Friday, December 13, 2019</mark>
August 20, 22	Understanding Advanced Legal Analysis (HO) Billable Hours (HO, PP) Creating a Time Log **Legal Problem + Legal Solution**	**Prepare and submit Assignment I (waived; class discussion)**
August 27, 29	1. Identify the Problem and Solution in the following law review articles 2. Identify parts of the law review articles 3. Create Outlines of the law review articles Judging GINA: Does Genetic Information Nondiscrimination Act of 2008 Offer Adequate Protection? The Transformative Nature of Blogs and their Effects on Scholarship FN 16, Ch 1, Fajans Black and White and Read All Over: Press Protection After Branzburg FN 18, Ch 1, Fajans	**Critical Reading of a Law Review Article (HO)** **75 Brooklyn L. Rev. 545 2009** **2009 2009 Cardozo L. Rev. De Novo 252** **57 Duke L J.199 2007**

September 3	**Seminar Papers, Journal Articles, and Competition Papers** **The Foundations of Legal Analysis**	**Fajans, Chapter 1** **Romantz, Chapter 1**
September 5	**Choosing and Narrowing a Topic** **Rules: Enacted Laws, Case Laws, and Tests**	**Fajans, Chapter 2** **Romantz, Chapter 2**
September 10 September 12	**Finding and Developing a Thesis** **Inductive Analysis and Analogical Reasoning** **The Mostly Research Stage**	**Fajans, Chapter 3** **Romantz, Chapter 3** **Fajans, Chapter 4**
September 17 September 19	**The Writing Process: Getting It Down on Paper** **Revising and Polishing** **Deductive Analysis & Rule - based Reasoning**	**Fajans, Chapter 5** **Fajans, Chapter 6** **Romantz, Chapter 4**

September 24		**Thesis Statement and Outline Due**
September 26 October 1	**Footnotes and Ethical Use of Borrowed Materials** **Writing With Care** **Statutory Analysis**	**Fajans, Chapter 7** **Fajans, Chapter 8** **Romantz, Chapter 5**
October 3 October 8 October 10	**Writing With Style** **Writing Day-No Class Meeting**	**Fajans, Chapter 9** **Draft I Due (5 pages)**
October 14-18	**Mid Terms Week No Classes**	Writing and Research Days
October 22 October 24	**Policy-based Reasoning and Other Considerations** **Evaluating and Editing the Work of Others** **The Legal Argument CREAC**	**Romantz, Chapter 6** **Fajans, Chapter 10** **Romantz, Chapter 7**

October 22, 24	Individual Conferences Sign Up Sheets on TWEN	Conferences
October 29 October 31 **November 5**	Writing Day-No Class Writing Day-No Class	**Draft II Due (10 pages)**
November 12	Oral Presentations Oral Presentations	Oral Presentations Oral Presentations
November 14 November 19	Oral Presentations Oral Presentations	Oral Presentations Oral Presentations
November 21	Oral Presentations	Oral Presentations
<mark>November 26</mark>	<mark>Last Class Day</mark>	
December 13	Final Paper Due	4 pm

Format for Each Class

1. Sign the roster.
2. Student summarizes the discussion points and skills from the previous class.
3. Professor introduces concepts and skills for the class discussion.
4. Major and minor points of today's discussion.
5. Students write answers to problems posed by the day's discussion to illustrate knowledge of the skill.

6. Students submit copy of the day's assignment by email to professor, who reviews and returns to students.
7. Assignment: Student will read the text's assignment for the next class and be prepared to discuss the subject matter.

Class Notes Outline
Law 832, Advanced Legal Analysis
Dean Mouton, Instructor

1. Summary of previous class skills

2. Skills to be addressed today

    Examples illustrating use of these skills.

3. Reflection of Major Points Discussed Today and how I will use these in researching and writing the contents of my paper.