

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 Shiple 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!