

WEEKEND LEGAL RESEARCH & WRITING SYLLABUS
FALL 2010
Brenda L. Tofte
Weekend Section

btofte01@hamline.edu

651-523-2482

Office: East Hall 306E

Office hours – by appointment and drop-in

Introduction

Hamline Law School's first-year course in Legal Research and Writing is designed to help you develop effective legal research and writing skills in a supportive environment. In this course you will learn how to locate and analyze legal reference materials relevant to hypothetical problems and how to write the results of your analysis in a concise, logical manner. Like other first-year courses, Legal Research and Writing will teach you how to "think like a lawyer."

This syllabus covers fall semester of the class; it sets out the basic course requirements and the weekly sequence of classes, readings, and assignments. You will receive the syllabus for the spring semester later on.

You need to consult another source to understand the full scope of the LRW course requirements. The Legal Research and Writing Student Manual covers in detail the course requirements and information for the whole LRW course, including, among other items, the course goals and assignments, the attendance policy, the format and submission requirements for graded written assignments, the ethical and conduct requirements, the penalties for late submission of assignments, the grading criteria for assignments, and the calculation of semester-end grades. The Student Manual applies to both semesters of the class. The Student Manual is posted on my TWEN site, and you will receive a copy of the Student Manual in the first class meeting.

Class Schedules

Class meets from 1:00-3:00 p.m. every Saturday in Room 4. In addition, we may have individual or group tutorials outside of class time. We will discuss this in class. There will be no class on September 4, October 23, or November 27, 2010. **There WILL be class on December 4, 2010.** This date is listed as a make up class day in the fall schedule.

Teaching Assistants

Nick Datzov (ndatzov01@hamlineuniversity.edu) and Matt Tramm, (mtramm01@hamlineuniversity.edu) are teaching assistants for this class. Nick and Matt will

participate in class and will keep office hours so they can help you with your research and writing assignments.

Class Preparation

Please note that this syllabus is intended to serve as a guide to the material that will be discussed each week, and it may be modified as the semester proceeds. I will announce modifications of the syllabus as far in advance as possible. You will notice that some readings are assigned more than once during the semester to help you revisit and reinforce important concepts.

Please do the required reading and required writing assignments before the class for which they are assigned, unless either the syllabus or I direct you otherwise. Although you are responsible for the content of all the readings, not all readings will be discussed in class. I may assign exercises for class discussion and additional ungraded writing assignments throughout the semester to further strengthen your analytical and writing skills. You may also work through the exercises in the textbooks to further develop your skills.

For additional information about this class, see the Student Manual.

Attendance

[Lawyers] will be courteous, civil and prompt in oral and written communications and punctual in honoring scheduled appearances, meetings, depositions, appointments, etc. . . .¹

Your professional reputation begins here. Punctuality and civility are qualities all lawyers must possess. Please see the Student Manual for information about the attendance policy and the sanctions for violating the policy.

Professionalism

A lawyer owes personal dignity, integrity, and independence to the administration of justice. A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms.²

1 Minn. State Bar Ass'n Professionalism Aspirations cmt. III.A.3 (approved by the Minn. Sup. Ct. Jan. 11, 2001), available at <http://www2.mnbar.org/committees/professionalism/aspirations-final.htm> (last visited June 22, 2010).

2 Minn. State Bar Ass'n Professionalism Aspirations Std. I (approved by the Minn. Sup. Ct. Jan. 11, 2001), available at <http://www2.mnbar.org/committees/professionalism/aspirations-final.htm> (last visited June 22, 2010).

Law school prepares students for a profession. You entered the profession on the first day of orientation. Therefore, you are expected to act with integrity at all times. At this stage of your legal career, “professionalism” means not only being prepared for and engaged in class and doing your own best work, but also being respectful of other students’ views and opinions and avoiding even the look of impropriety in your in-class and out-of-class behavior.

Laptops, Cell Phones, and Other Technology

The classroom environment must be conducive to learning for all students. Proper conduct in the classroom is intended to encourage everyone to participate in, to derive benefit from, and ultimately to enjoy the class. It is perfectly acceptable and, indeed, professionally required, that you demand professional behavior from your classmates in and out of class. You should be guided by the above professional standards in all your classroom and law school conduct.

Technological devices, in particular, can be distracting to your classmates and me and thus undermine that goal. Accordingly, during class, in addition to the usual courtesies, refrain from using text messaging, instant messaging, or email; using cell phones, pagers, or any other communication device; and from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates.

Failure to abide by this policy may result in the loss of the privilege to use the technology in question during the class where the violation occurred; repeated violations may result in additional sanctions, including professionalism point deductions.

Email Policy

One of the “hot topics” right now among experienced lawyers (i.e., the lawyers who will eventually hire you) is inappropriate use of email and social networking by young lawyers. Unfortunately, the experienced lawyers assume that young lawyers send inappropriate emails or text messages even though they know better. I don’t think this is true. No one is actively trying to make a supervisor angry. So this email policy is designed to help you avoid this common young lawyer trap.

To help you get into the habit of always corresponding as a professional, I require that you comply with a couple of simple rules when you send me an email. Please include a correct and specific subject line. Some days are so busy that I have to vet my emails by subject line. Your email could fall to the bottom of the pile if the subject line makes it sound like it is not about something that needs an immediate response. Emails should be spelled correctly, punctuated correctly, and proofread.

Westlaw and LexisNexis

Westlaw and LexisNexis (“Lexis”) are the two major commercial online legal research sources. You will receive Westlaw and Lexis passwords during orientation. Please register your Westlaw and Lexis passwords as soon as possible after you have received them. On Westlaw, please also register for my TWEN (The West Education Network) course. I do not require a password for you to register for my TWEN site.

I send emails from TWEN and will post the Student Manual, syllabi, assignments, examples, and other useful information on TWEN. You will be required to submit some assignments using TWEN. The majority of out-of-class communication will be conducted via TWEN, so it is important that you register using the email account(s) that you check most often. Once we establish that you are receiving emails sent via TWEN, I will assume you are receiving all the information I email to you. You will be responsible for the information.

Textbooks and Materials

Required textbooks and materials:

Linda H. Edwards, Legal Writing: Process, Analysis, and Organization (5th ed. 2010) (“Edwards”)

Anne Enquist & Laurel Currie Oates, Just Writing: Grammar, Punctuation, and Style for the Legal Writer (3d ed. 2009) (“Enquist and Oates”)

Amy E. Sloan, Basic Legal Research: Tools and Strategies (4th ed. 2009) (“Sloan”)

Tracy L. McGaugh and Christine Hurt, Interactive Citation Workbook for The Bluebook: A Uniform System of Citation (3d ed. 2010) (“ICW”)

The release of the ICW books this year will be delayed so you will not be able to get them in the bookstore before classes start. I will give you updated information when classes begin.

The Bluebook: A Uniform System of Citation (Columbia L. Rev. Ass’n et al. eds., 19th ed. 2010) (“Bluebook”)

Recommended textbooks:

You will see recommended textbooks listed in the Student Manual, which you will receive on the first day of class. While you certainly may purchase any that might appear to be particularly helpful for you, I would not recommend buying any of them automatically. I would be happy to consult with you about any purchases you are considering. Once the semester starts, I might recommend a particular purchase if I think it would be helpful for you, but even then you are not required to buy anything for the fall beyond the required books listed in this syllabus.

Graded Assignments

See the Student Manual for assignment point values. The assignments for which you will receive grades during fall semester are:

- One Case Legal Analysis. This assignment will be distributed in Class 2 and is due September 11, 2010.
- Closed Office Memorandum. This assignment will be distributed on the first day of class and is due October 2, 2010.
- Research Memorandum. This assignment will be distributed in Class 6 and is due November 13, 2010.
- Three tutorials, either in-person or via email, held before each of the major writing assignments is due.
- Nine research assignments.
- Citation assignments throughout the semester.
- Research and citation exam. This is an hour-long cumulative exam that will be administered in class on Saturday, December 4, 2010.

NOTE: THIS DATE IS A SCHEDULED MAKE-UP CLASS DAY, BUT YOU MUST BE IN CLASS TO TAKE THIS EXAM.

August 14, 2010

Although your morning classes meet today, this class does not meet. Our class time will be used for the optional (although highly recommended) Law School 101 Class.

July 8, 2010 Draft

Class 1 August 21, 2010

Class discussion topics

Introduction to the course and some course policies, including TWEN access and TWEN assignment drop box use.

Closed Office Memorandum assignment overview and description of the sequence of learning in the first five weeks of the course

The legal system, including the court system and the importance of case law

Assignments

Reading

This syllabus

Edwards: Introduction and Chapter 1

Notes

The reading assignment for next week is the longest reading assignment of the semester. You might want to get a jump on it this week, if you have time.

The Closed Office Memorandum problem will be distributed in class. The assignment is due Saturday, October 2, 2010.

The Class Questionnaire will be made available on TWEN after class and is due via email on Wednesday, August 25.

Class 2 August 28, 2010

Class discussion topics

Case analysis and formulating a rule and holding from a case

Closed Office Memorandum assignment

Introduction to the paradigm for legal analysis (small scale organization/organization of a single issue) -- CREAC

One Case Legal Analysis assignment

Synthesis

Assignments

Reading

Closed Office Memorandum packet

Legal Research and Writing Student Manual

Edwards: Chapters 2-9

Writing

Brief the Closed Office Memorandum cases in preparation for class discussion and class exercises. (The case briefs will not be turned in.)

Class Questionnaire Due via email by 6:00 p.m. on Wednesday, August 25, 2010.

Notes

One Case Legal Analysis assignment (OCLA) distributed in class. OCLA due at the beginning of class on September 11, 2010.

No class next week – Labor Day weekend. Enjoy your break!

Class 3 September 11, 2010

Class discussion topics

Synthesis (cont.)

Paradigm for legal analysis (small scale organization) – CREAC (cont.)

Discussion and synthesis of Closed Office Memorandum cases

Parts of an interoffice memorandum

Introduction to Citation

Introduction to legal research and research process

Assignments

Reading

Edwards: Chapters 11; 12; 14, pages 185-92; Appendix A

Sloan: Chapters 1-2

Bluebook: Introduction; Rules B1, B2, 1

Writing

The One Case Legal Analysis is due by 11:00 a.m. today. Submit the assignment electronically via the TWEN Assignment Drop Box.

See the Student Manual for formatting instructions.

Notes

Research Assignment No. 1 assigned in class

Friday, September 17 is Constitution Day!

Class 4 September 18, 2010

Class discussion topics

Small-scale organization/organization of discussion section (cont.)

Parts of an office memorandum

Common problems in the One Case Legal Analyses

Kinds and weight of legal authorities

Audience, purpose, and tone of an office memorandum

Paragraph structure/effective writing techniques

Legal writing style and conventions

Encyclopedia and American Law Reports (ALR) research

Assignments

Reading

Edwards: Chapters 11; 12; 14, pages 187-88, 190-92

Enquist & Oates: pages 1-5; Chapters 1-4

*Sloan: Chapter 3, pages 29-36, 40-43, 50-51, 54-55, 57-58, 74-75

NOTE: Because of the way the Sloan book is organized, some pages of your Sloan reading assignments will contain off-topic information. You only need to read the information relevant to each week's specific sources of law.

Bluebook: Rules B8, 6, 15.1-15.4, 15.8, 16.7.6

ICW: pages ix-x

Writing

Research Assignment No. 1 due

Work on Closed Office Memorandum and prepare for tutorial

Notes

OCLA assignment returned today.

Research Assignment Nos. 2 and 3 assigned in class.

Optional in-person group tutorials from 11:30 to 12:30 p.m. and 5:15 to 7:15 p.m. today, and from 11:30 a.m. to 1:00 p.m. tomorrow. We will also have optional in-person tutorials in the coming week as student schedules allow. We will discuss this in class.

Please remember that each tutorial, whether in-person or via email, is required and worth four points. You must be prepared for the tutorial to receive the points.

Friday, September 24, 2010 is National Punctuation Day!

* The Sloan citation rules chart on page 54 is not always correct because some Bluebook rule numbers changed in the Nineteenth Edition.

July 8, 2010

Class 5 September 25, 2010

Class discussion topics

Citation and editing

In-class drafting of the Question Presented and Brief Answer sections of the Closed Office Memorandum

Paragraph structure/effective writing techniques

Boundaries of collaboration and plagiarism

Treatise, Periodical, and Restatement Research

Assignments

Reading

Edwards, Chapter 14, pages 194-205; Chapter 15

Enquist & Oates: Chapters 5-9

Bluebook: Rules B8, B9, 4, 12.9.5, 15.1-15.4, 16

You also might want to scan Bluebook R. 10 on citing cases. Although we give you the citations for the closed memo cases, it's a good idea to know what each part of a citation means.

*Sloan: pages 33, 36-41, 44-47, 51-58, 69-75

ICW: Chapter 12; Chapter 17, pages 113-14

Writing

Research Assignments 2 and 3 due

Citation due

Draft of Discussion section of Closed Office Memo due via email by 6:00 p.m. on Wednesday, September 29, 2010 for people who will not have in-person tutorials.

Work on the Closed Office Memorandum

Notes

Research Assignment Nos. 4, 5, and 6 assigned in class.

Citation exercise assigned? – ICW Chap. 12?

Optional in-person tutorials from 8:30 to 9:00 a.m., 11:30 a.m. to 1:00 p.m. and 5:15 to 7:15 p.m. today, and from 11:15 a.m. to 1:00 p.m. tomorrow, and next week as student schedules allow. We will discuss this in class.

Please remember that each tutorial, whether in-person or via email, is required and worth four points. You must be prepared for the tutorial to receive the points.

To avoid last-minute crises over submitting the Closed Memorandum, please be certain to check on printer supplies and resolve any computer problems.

* The Sloan citation rules chart on page 54 is not always correct because some Bluebook rule numbers changed in the Nineteenth Edition.

July 8, 2010 Draft

Class 6 October 2, 2010

NOTE: CLASS MEETS FROM 3:10 TO 5:10 TODAY – SWITCHES WITH P³ CLASS

Class discussion topics

Introduction to the Research Memorandum assignment and description of the learning sequence for the next six weeks

Client interviewing

Print case law and digest research

Assignments

Reading

Sloan: Chapter 4, pages 77-98, 105-26

Bluebook: Rules B.4, 10

ICW: Chapters 1-5

Writing

The Closed Office Memorandum is due via the TWEN assignment drop box at 8:00 a.m. today. The TWEN submission is the one that counts for timely submission. Your assignment is also due in hard copy of the beginning of class today. The two versions of the memo must be identical.

Please check the Student Manual (“Format of Major Writing Assignments” and “Procedures for Handing in Major Writing Assignments” sections) to make sure your assignment is properly formatted and prepared for hand-in. I will announce when and how your graded Closed Memorandum will be handed back.

Notes

Congratulations on completing your first major Legal Writing assignment!

The Research Memorandum problem will be distributed in class. The Research Memorandum is due Saturday, November 13, 2010.

Research Assignment No. 7 assigned today.

ICW citation exercises assigned

I may not be on campus every day when I am grading the Closed Office Memoranda.
Feel free to call me or email me with questions, or to schedule a meeting.

July 8, 2010 Draft

Class 7 October 9, 2010

Class discussion topics

Guest lectures by Westlaw and Lexis trainers addressing case law and citators research

Assignments

Reading

Research Memorandum packet

Sloan: Chapter 4, pages 99-105

ICW: Chapter 12; Chapter 17

NOTE: The first 2 pages of Chapter 17 were previously assigned. The current assignment is longer and includes an exercise that must be completed.

Writing

Research Assignment Nos. 4, 5, and 6 due

Notes

Research Assignment Nos. 8 and 9 assigned

This week, your classes will be taught by representatives of Westlaw and LexisNexis. Bring your laptops to class.

I may not be on campus every day when I am grading the Closed Office Memoranda. Feel free to call me or email me with questions, or to schedule a meeting.

Class 8 October 16, 2010

Class discussion topics

Review of the structure of the legal system and hierarchy of authority

Legal research strategies for the Research Memorandum

Large-scale organization of a multiple-issue memo

Parts of the Research Memorandum:

 Heading

 Question(s) presented

 Brief answer(s)

 Conclusion

Assignments

Reading

Edwards: Chapters 10, 12, 13, Appendix B

Writing

Research Assignment Nos. 7, 8, and 9 due

ICW Exercises for Chapters 1-5 due

Work on the Research Memorandum

Research check-in due via email by Wednesday, October 20, 2010 at 6:00 p.m.

A research checklist, draft of Questions Presented, Brief Answers, and outline of the Discussion Section of Research Memo due via email by 6:00 p.m. on Wednesday, October 27, 2010 for people who will not have in-person alpha tutorials.

Notes

No class next week – Fall Break! Have fun.

I may not be on campus every day when I am grading the Closed Office Memoranda. Feel free to call me or email me with questions, or to schedule a meeting.

Class 9 October 30, 2010

Class discussion topics

Research strategies for the Research Memorandum

Parts of the Research Memorandum:

Facts

Discussion/organization

Introduction to Drafting and in-class drafting exercise

Assignments

Reading

Edwards: Chapters 12 and 13

Drafting materials packet

Writing

A research checklist, draft of Questions Presented, Brief Answers, and outline of the Discussion Section of Research Memo due via email by 6:00 p.m. on Wednesday, October 27, 2010 for people who will not have in-person alpha tutorials.

Optional in-person group alpha tutorials from 8:30 to 9:00 a.m., 11:30 a.m. to 1:00 p.m. and 5:15 to 7:15 p.m. today; and from 11:30 a.m. to 1:00 p.m. tomorrow. We will discuss this in class. Group tutorial participants should submit alpha tutorial materials via the TWEN drop box before your assigned tutorial.

Notes

Graded Closed Memos returned to students through Registrar's Office on Sunday at 11:00 a.m.

Please remember that each tutorial, whether in-person or via email, is required and worth four points. You must be prepared for the tutorial to receive the points.

To avoid last-minute crises over submitting the Research Memorandum, please be certain to check on printer supplies and resolve any computer problems.

Class 10 November 6, 2010

NOTE: CLASS STARTS AT 1:30 TODAY

Class discussion topics

Research Memorandum

Parts of the Research Memorandum (cont.)

Peer review of Questions Presented and Brief Answers for the memorandum

Writing skills

Citation

Editing

Assignments

Reading

Edwards: Chapter 14, pages 194-213; 15

Bluebook: Rules B11, B12, 1, 5, 10.6, 10.7

Writing

Bring one (double spaced) copy of Questions Presented and Brief Answers to class for peer review exercise

Work on the Research Memorandum and prepare for tutorials

Tutorials

Optional in-person individual or group beta tutorials from 7:30 to 9:00 a.m., 11:30 a.m. to 1:30 p.m., and 5:15 to 7:15 p.m. today; from 11:30 a.m. to 1:00 p.m. tomorrow; and during this and next week as student schedules allow. We will discuss this in class.

People having in-person beta tutorials must bring a draft of the Discussion section of your Research Memo to your tutorial. You may also bring your Facts and Conclusion sections, if you want.

A draft of the Discussion section of your Research Memo is due via email by 6:00 p.m. on Tuesday, November 9, 2010 for people who will not have in-person beta tutorials. You may also send your Facts and Conclusion sections, if you want.

If you want, you may email me your Beta Tutorial materials up to 48 hours before your in-person tutorial and I will have a mark up of your submission ready at the tutorial.

Notes

Please remember that each tutorial, whether in-person or via email, is required and worth four points. You must be prepared for the tutorial to receive the points.

To avoid last-minute crises over submitting the Research Memorandum, please be certain to check on printer supplies and resolve any computer problems.

July 8, 2010 Draft

Class 11 November 13, 2010

Class discussion topics

In-class simulated mediation of the Research Memorandum problem

Assignments

Reading

Review your mediation notes from your P³ class

Writing

The Research Office Memorandum is due via the TWEN assignment drop box at 8:00 a.m. today. The TWEN submission is the one that counts for timely submission. Your assignment is also due in hard copy of the beginning of class today. The two versions of the memo must be identical.

Please check the Student Manual (“Format of Major Writing Assignments” and “Procedures for Handing in Major Writing Assignments” sections) to make sure your assignment is properly formatted and prepared for hand-in. I will announce when and how your graded Research Memorandum will be handed back.

Notes

Congratulations on completing your Research Memorandum!

I may not be on campus every day when I am grading the Research Office Memoranda. Feel free to call me or email me with questions, or to schedule a meeting.

Class 12 November 20, 2010

Class discussion topics

Research and citation exam review

Discussion of exam preparation techniques

Administration of course evaluation

Assignments

Study for your research exam.

Notes

No class next week. Happy Thanksgiving!

I may not be on campus every day when I am grading the Research Office Memoranda.
Feel free to call me or email me with questions, or to schedule a meeting.

July 8, 2010 Draft

Class 13 December 4, 2010

**NOTE: THIS DATE IS LISTED AS A MAKE-UP CLASS DATE IN
THE SCHOOL CALENDAR.**

In-class research and citation exam – 1 hour.

Congratulations on completing your first semester of Legal Research and Writing! Thank you for all your hard work.

I may not be on campus every day when I am grading the Closed Office Memoranda. Feel free to call me or email me with questions, or to schedule a meeting.

You may meet with me by appointment between now and January 15, 2011 if you have questions or concerns. The best way to reach me is via Hamline email.

See you in January for the second semester of Legal Research and Writing.

July 8, 2010 Draft