

COURSE SYLLABUS

Faculty: **Professor Kelly Mickelson**

Course: **LRW III (Weekend)**

Semester: **Spring 2011**

Meeting Schedule: **Saturday, 9:15am-11:15am**

Room: **Law 6 (basement)**

Textbook	Primary Text	Primary Text	Primary Text
Author	Mary Beth Beazley	Alan L. Dworsky	The Harvard Law Review
Title and edition of text	A Practical Guide to Appellate Advocacy	The Little Book on Oral Argument	The Bluebook (18 <sup>th</sup> or 19 <sup>th</sup> Edition)
Publisher/year	Aspen; 2nd Edition (May 15, 2006)	Fred B Rothman & Co (October 1, 1991)	The Harvard Law Review
ISBN	978-0735553774	978-0837705576	B002IEBCB2

***Learning Outcomes for the Course:***

Enhancement of legal writing skills, including, but not limited to:

- Organization
- Clarity
- Responsiveness to audience and purpose
- Style and tone (objective or persuasive)
- Adherence to Bluebook citation requirements
- Adherence to format and assignment instructions

Refinement of legal analysis skills, including, but not limited to:

- Understanding of and synthesis of legal issues and rules raised by the assignment
- Application of legal authority and commentary to assigned facts
- Ability to define and isolate issues
- Persuasive and accurate use of the facts
- Ability to deal effectively with adverse authority

Confidence in basic and advanced legal research techniques, including, but not limited to:

- Ability to locate leading authority and relevant commentary
- Comprehensiveness of research
- Ability to differentiate between relevant and irrelevant source materials
- Ability to conduct cost effective legal research
- Appropriate use of free legal research resources

Oral advocacy skills, including, but not limited to:

- Ability to deliver an oral argument before a Court
- Ability to deliver an objective presentation on a legal research topic

***Course Expectations:***

I have planned a fairly aggressive schedule and set of expectations for you this semester because this is your third and final semester of legal research and writing. I firmly believe that the hallmark of effective representation of clients is the ability to perform sound legal research and write persuasive, eloquent documents. Throughout this course, we will focus heavily on reiterating basic legal research concepts, as well as introducing many advanced legal research techniques. Our other primary focus will be fine-tuning the legal writing skills that you have developed so far, especially as it relates to persuasive brief writing.

I encourage your feedback throughout the semester. Please do not hesitate to call or email if you should need any assistance whatsoever. I am always available to you.

*HUSL Policies on attendance, lateness and preparation*

The program of instruction at the School of Law is based on an active and informed exchange between instructor and student and between student and student. Regular, prepared class attendance helps develop skills essential to the competent practice of law. A student who violates the attendance policy, including the instructor's specification of class expectation described below, may lose his or her right to take the exam in the course, to receive course credit or may receive other penalties described below and in Academic Rule 108. Persistent or frequent lateness or unpreparedness may also be the basis for reduction of the grade awarded in a course. See Academic Rule 108 for further details.

### **Attendance Policies in this Course**

You are required to attend all classes and to participate in class discussions and exercises. Penalties for missed classes are as follows:

- 1st missed class: No points deducted
- 2nd missed class: 5 points deducted from the semester total
- 3rd missed class: 8 points deducted from the semester total
- 4th missed class: 11 points and your name may be sent to the Dean's office with a recommendation that you be withdrawn from the course.

For the purposes of this rule, each class missed is considered one class, regardless of the length of the class. There are no excused absences.

### **Punctuality/Preparation Policies in this Course**

Please be respectful to me and your fellow classmates by being on time to each class meeting.

### **Policy on Laptop Use in Class:**

Use of a laptop and a wireless connection will be required in every class as we will use technology and online legal research systems throughout the duration of the course. However, I will not tolerate the use of the laptop to surf the web or do any other activities not related to our class discussion. If I come to know that you are using the laptop inappropriately, I reserve the right to deduct up to 10 points from your semester point total.

### **Other Classroom Policies:**

We will use our TWEN site almost exclusively for the distribution of class materials and other communications. I also frequently use the Discussion and Live Discussion tools on the site. You are charged with the responsibility of reading the contents of every posting on TWEN.



The official Pass/Fail policy for “Good Faith Pass/Fail” basis is:

- 1) A reasonable, good faith effort must be shown in order to receive a "Pass".
- 2) You must actually submit an assignment on time to receive a "Pass". Failure to submit an assignment on time will result in a "Fail". However, you must still submit the assignment.
- 3) If you fail to ever submit a Pass/Fail assignment, your overall semester point total will be deducted by 5 points for each missed Pass/Fail assignment.
- 4) If you receive a "Fail" on an assignment due to lack of effort or late submission, this will be taken into account on your class participation. Per the syllabus, I reserve the right to increase or decrease your overall semester point total by 5 points based on your class participation and preparedness.

Pass/Fail assignments are created with 'you' in mind - they are a tool that I use to help make sure you are on the right track before a large, point-worthy assignment is due. Please take them seriously and submit a reasonable, good faith effort.

## **General Overview of Assignments**

### *Research Guide Project and Presentation*

Students will explore the myriad of legal research resources, and will create and present a report based on their work.

### *Research Journal for the Brief*

Prior to your submission of the brief, you will submit a research journal that should illustrate the roadmap of your argument and will include legal research to support your arguments. These journals are not “outlines” in the truest sense of the word – they should include all issues, all rule synthesis, all analysis and all conclusions that the student plans to include in the final draft of the brief.

### *Brief*

Your writing assignment will be a Persuasive Brief. This assignment will require you to use research, analysis, and writing skills to persuade a court to adopt your client’s position on two or more issues of law. The Persuasive Brief assignment will be based on a mock case record from which you must extract the relevant facts and legal issues.

### *Oral Argument*

All students will participate in an Oral Argument exercise, which will be based on the brief problem. For the Oral Argument, you will represent the same party you represented in the brief. You will have a co-counsel for this exercise. Two other students will represent the opposing party.

## **Format of Writing Assignments**

All writing assignments must meet the format requirements below (unless I instruct you otherwise):

- FONT:** Times New Roman, twelve point
- MARGINS:** Each typed page must have one-inch margins on top, bottom, and both sides.
- TYPE:** Fully double-spaced, except that block quotations are single-spaced and indented from the left and right margin.
- CITATIONS:** In accordance with the Bluebook Citation Manual.
- PAGE LIMITS:** Each assignment will have a page limit. Some pages of each assignment will not count towards the page limit. Please follow individual assignment instructions carefully to avoid point deductions.
- PAGINATION:** Each page of text must be numbered.

## **Weekly Assignments & Discussions**

Weekly assignments are subject to change, although I will always give you plenty of notice to make/change your plans accordingly.

Week One: January 15, 2011

### **IN-CLASS ACTIVITIES and DISCUSSIONS**

Welcome and Introduction

Administrative Matters

Survey Results

Introduction to Research Guide Project

Basic and Advanced Legal Research Training

### **READING ASSIGNMENTS TO BE DONE FOR THIS WEEK**

Thoroughly review the syllabus, please

Please review the Research Guide Project materials (TWEN)

### **ASSIGNMENTS DUE THIS WEEK**

N/A

Week Two: January 22, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS  
Basic and Advanced Legal Research Training  
Research Project Discussions

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK  
N/A

ASSIGNMENTS DUE THIS WEEK  
N/A

Week Three: January 29, 2011

**IN-CLASS ACTIVITIES and DISCUSSIONS**

Basic and Advanced Legal Research Training

Cost Effective Legal Research

Research Project Presentations (half of the class)

**READING ASSIGNMENTS TO BE DONE FOR THIS WEEK**

N/A

**ASSIGNMENTS DUE THIS WEEK**

Research Project is due January 29, 2011, by 9:15am, regardless of when you actually present. Upload your Research Guide Project and Powerpoint/KeyNote presentation to their respective Assignment Drop Box locations on TWEN.

Week Four: February 5, 2011

**IN-CLASS ACTIVITIES and DISCUSSIONS**

Beginning discussions regarding the brief

Research for the brief

Research Project Presentations (half of the class)

**READING ASSIGNMENTS TO BE DONE FOR THIS WEEK**

Read the entire Brief Case Record

**ASSIGNMENTS DUE THIS WEEK**

Sign-up for who you would like to represent by Friday, February 4, at 5pm (Sign-Up Sheet on TWEN).

Week Five: February 12, 2011

**IN-CLASS ACTIVITIES and DISCUSSIONS**

Continuing discussions of the brief

Research for the brief

**READING ASSIGNMENTS TO BE DONE FOR THIS WEEK**

Beazley reading – Chapters 1, 2 and 3

**ASSIGNMENTS DUE THIS WEEK**

Research Journal due this week, February 12, 2011, by 9:15am

Week Six: February 19, 2011

**IN-CLASS ACTIVITIES and DISCUSSIONS**

Building the blocks that will comprise your brief

Formatting Components to Your Brief

Preparing to Write the Brief

**READING ASSIGNMENTS TO BE DONE FOR THIS WEEK**

N/A

**ASSIGNMENTS DUE THIS WEEK**

N/A

Week Seven: February 26, 2011

**IN-CLASS ACTIVITIES and DISCUSSIONS**

Building the blocks that will comprise your brief

Formatting Components to Your Brief

Preparing to Write the Brief

**READING ASSIGNMENTS TO BE DONE FOR THIS WEEK**

Beazley reading – Chapters 8 and 9

**ASSIGNMENTS DUE THIS WEEK**

Building blocks of brief due this week, February 26, 2011, by 9:15am

Saturday, March 5 – NO CLASS (enjoy your break)

Week Eight: March 12, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

Legal Research Exam

Preparing to Write the Brief

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Beazley reading – Chapters 4 and 5

ASSIGNMENTS DUE THIS WEEK

N/A

Week Eight: March 19, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS  
General Discussions Regarding Brief

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK  
Beazley reading – Chapters 6 and 11

ASSIGNMENTS DUE THIS WEEK  
N/A

Week Ten: March 26, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS  
Last Q&A regarding the brief assignment

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK  
Beazley reading – 7 and 12

ASSIGNMENTS DUE THIS WEEK  
N/A

Week Eleven: April 2, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

Peer Review Exercise

Oral Argument Discussion

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Beazley reading – Chapter 13

Read “The Little Book on Oral Argument”

ASSIGNMENTS DUE THIS WEEK

Brief due April 2, 2011, by 9:15am

Please send electronic copies of your brief to opposing counsel and co-counsel on the same date, between 9:00am-9:15am

Week Twelve: April 9, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

Oral Argument Discussion - work with partner to prepare for Oral Argument

Specific Grading Criteria for Oral Argument

Course Evaluations

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Read your opponents' briefs & co-counsel's brief

Read Chapter 13 (Beazley) – if you didn't last week

Read "The Little Book on Oral Argument" – if you didn't last week

ASSIGNMENTS DUE THIS WEEK

N/A

Week Thirteen: April 16, 2011

**IN-CLASS ACTIVITIES and DISCUSSIONS**

No formal class held this week;

Oral Arguments will be held (more detail as we get closer)

**READING ASSIGNMENTS TO BE DONE FOR THIS WEEK**

N/A

**ASSIGNMENTS DUE THIS WEEK**

N/A