

**LEGAL WRITING SYLLABUS, SPRING 2011**  
**WEEKEND SECTION<sup>1</sup>**  
**Brenda Tofte**  
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**Office hours 11:30 a.m. to 1:00 p.m. on Saturday and by appointment. Feel free to email or call to schedule appointments anytime.**

**COURSE OVERVIEW**

Legal Research and Writing II is designed to teach you the difference between objective legal writing and advocacy writing. We will also focus on some of the other types of writing that attorneys do, with a focus on some of the documents that attorneys draft.

The first five pages of this syllabus briefly address the basic course requirements for the spring semester of Legal Writing; the balance of the syllabus details the weekly sequence of readings and classes for the semester. Please consult the Student Manual and Code of Conduct, posted on the course TWEN site and the accompanying updates you will receive this semester, for more detailed course requirements and information, including, *inter alia*, an overview of the goals and assignments for the course, the attendance policy for the course, the format and submission requirements for written graded assignments, the ethical and conduct requirements for the course, and an explanation of the grading for the course. If you have any questions at any point in the semester, feel free to contact me at btofte01@hamline.edu; 651-523-2482; or at my office, 306E.

**Class Schedule**

9:15 to 11:15 a.m. on Saturday, Room 4

**Weekly Assignments**

As in the fall, please complete the required reading assignments before the first class of the week for which they are assigned unless otherwise directed. Throughout the semester, I may assign additional class exercises and ungraded writing assignments. I recommend that you also work through the unassigned exercises in the texts to further develop your skills.

**Graded Assignments**

**Writing Assignments, Oral Argument, and Midterm.**

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<sup>1</sup> This is a draft syllabus and only covers the first seven weeks of the semester. You will receive a final updated syllabus on the first day of class, and I will notify you via email when the full syllabus is posted on the TWEN cite.

The graded assignments this semester are the Quick-Turn-Around Email Assignment (due on January 29), the Motion Memorandum (due on **Friday**, March 4), the Client Letter (due in mid/late March), the Contract Drafting Assignment and the Pleading Drafting Assignment (due in late March/early April), and the Motion Oral Argument (presented mid-April). The materials in the Motion Memorandum assignment packet will form the basis for all of these assignments. The assignment packet will be distributed in your first class meeting of the semester.

In addition, you will have a take-home midterm shortly after your return from Spring Break that will introduce you to one type of writing that is expected on the bar exam: the Multistate Practice Test (MPT). For that midterm, you will write an objective memo in a limited period of time based only on materials you will receive in a packet. To prepare for this midterm, you should review feedback from me for the objective memos you wrote in the fall, but you will not need to know any law for the exam and no other preparation will be necessary.

### **Citation Exercise Assignments.**

As in the fall, for each citation exercise, you are required to read through the applicable chapter of the ICW, review the accompanying rules in the Bluebook, and then complete the online exercises. The online exercises can be found at <http://www.lexisnexis.com/icw/>. You will be required to complete TBA<sup>2</sup> citation assignments. Generally, you have one week to complete ICW exercises, and they are due by class time on Monday, unless otherwise specified.

### **Research Exercise Assignments.**

You will be required to complete TBA<sup>3</sup> research assignments. These assignments will be accessed online. Generally, you have one week to complete research exercises, and they are due by class time on Wednesday, unless otherwise specified.

### **Class Meetings and Tutorials**

As in the fall, each Legal Writing class is scheduled to meet for two hours per week. But, as you did in the fall, please check the syllabus entry for each week carefully because the schedule may vary during some of the weeks. Please note that the syllabus is intended to serve as a guide to the material to be discussed each week in class and I may modify it if necessary. I will announce modifications of the syllabus as far in advance as possible.

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2 As indicated in this draft, there will most likely be 4 ICW exercises assigned during the first half of the semester. There may be 2 or 3 ICW exercises assigned in the second half of the semester.

3 As indicated in this draft, there will most likely be 2 research exercises assigned during the first half of the semester. There may be 2 or 3 research exercises assigned in the second half of the semester.

There will be one set of tutorials this semester, the required in-person Alpha and the optional in person Beta tutorials for the Trial level motion memorandum. People who choose not to have in-person Beta tutorials will have email tutorials. Tutorial scheduling will again be done through the sign-up sheets on the TWEN site.

### **TEXTBOOKS**

You will be using the same required texts that you used last semester. In addition, you will be required to access certain articles and materials on-line and to read handouts that I have reprinted with permission from other sources.

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 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. 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 beyond the required books listed in this syllabus.

### **TWEN SITE and LEXIS WEB COURSES**

Please check to see that your TWEN site access is functioning and plan to check regularly for emails from this site. If you registered using an email address that you no longer check regularly, please change your registration to an address you do check regularly.

You may note that the appearance of some things on the Lexis site has changed; Lexis has implemented some changes to the layout of its site, which should have been implemented by the

start of spring semester.

### **ATTENDANCE**

“[Lawyers] will be courteous, civil and prompt in oral and written communications and punctual in honoring scheduled appearances, meetings, depositions, appointments, etc. . . .”<sup>4</sup>

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

Please note that I accept doctors’ notes as variances from our strict attendance policy. Absences covered by a doctor’s note will not count toward absence penalties. This, however, does not excuse you from completing the work that you miss if you are ill. If you are in this situation, please contact me to arrange appropriate extensions.

### **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.”<sup>5</sup>

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.

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4 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>.

5 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>.

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 professional point deductions, within my discretion.

### **EMAIL POLICY**

Please include a correct and specific subject line in all emails. 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.

# DRAFT

## WEEKLY REQUIREMENTS AND SCHEDULE

**WEEK 1     January 15, 2011**

### Class Discussion Topics

Overview of the semester  
Introduction of Motion Memorandum assignment and advocacy  
Introduction to statutes  
Discussion of common problems on the research memos

### Readings to prepare for class

Edwards, pp. 2-3 (Predicting vs. Persuading) and Chapter 17 (Ethics, Judges, and Briefs)  
Sloan, Chapter 11 (Developing a Research Plan)

### Upcoming Assignments

The Motion Memorandum assignment packet will be distributed in class this week. The Motion Memorandum will be due **via the TWEN Assignment Drop Box by 10:00 p.m. on Friday, March 4, 2011.** You will need the information in the packet for almost all of your work this semester. The packet materials will also be posted on our TWEN site.

You should begin research on the Motion Memorandum assignment right away so you will be prepared for the Alpha group research tutorials, which will begin the week of February 12, 2011.

### **Notes**

Sign up on the TWEN site this week, as directed in class, if you wish to choose which client you will represent for the Motion Memorandum and most related assignments this semester. If you have not chosen by 6:00 p.m. on Sunday, January 23, I will assign you to a client. I will post the client assignments on the TWEN site.

### **Research Memorandum Feedback**

Please contact me or stop in during my office hours if you would like to set up an appointment to discuss your research memorandum. Be sure to pick up your graded Research Memorandum from my assistant, Pam Buth, if you have not done so already. I will assume that you have seen my feedback on that assignment when I grade the assignments for this semester, and I will mark down extra, as appropriate, for problems repeated in assignments this semester that you already received feedback on for assignments in the fall semester. In addition, you will need to review my feedback on that assignment as you prepare for our MPT midterm this semester.

## **WEEK 2     January 22, 2011**

### **Class Discussion Topics**

Print Statutes, Rules, and Constitutions (Guest Librarian Lecture)

Professional email

Quick-Turn-Around Email Assignment

### **Readings to prepare for class**

Sloan, Chapter 6 (Statutory Research)

3 articles available on Westlaw:

- 1) Wayne Schiess, *E-Mail Like a Lawyer*, Mich. B.J., Sept. 2010, at 48.  
▶ Enter this citation to get the article on Westlaw: 89-SEP MIBJ 48
- 2) Gerald Lebovits, *E-Mail Netiquette for Lawyers*, N.Y. St. B.J., Nov./Dec. 2009, at 64.  
▶ Enter this citation to get the article on Westlaw: 81-DEC NYSTBJ 64
- 3) K.K. DuVivier, *E-Etiquette: Thoughtful E-Mail Correspondence*, Colo. Law., Mar. 2007, at 79.  
▶ Enter this citation to get the article on Westlaw: 36-MAR COLAW 79

### **Upcoming Assignments**

#### **◆ Writing**

The Quick-Turn-Around Email assignment will be due by the start of class on January 29. As directed in class, you will submit this assignment, in the form of a professional email,

to my Groupwise email account (btofte01@hamline.edu).

◆ **Research**

Research Exer. 1 (Print Statutes, etc.), due by class time January 29.

**Notes**

Sign up on the TWEN site this week, as directed in class, if you wish to choose which client you will represent for the Motion Memorandum and most related assignments this semester. If you have not chosen by 6:00 p.m. on Sunday, January 23, I will assign you to a client. I will post the client assignments on the TWEN site.

**WEEK 3      January 29, 2011**

**Class Discussion Topics**

Class hours this week will be used for workshops by Westlaw and Lexis trainers addressing online statute, rule, and constitution research.

**Readings to prepare for class**

No new readings this week. You may find it helpful to review Sloan, Chapter 6, pp. 174-83, which covers electronic statute research.

**Assignments due this week**

◆ **Writing**

The Quick-Turn-Around Email assignment is due by the start of class today. As directed in class, submit this assignment, in the form of a professional email, to my Groupwise email account (btofte01@hamline.edu).

◆ **Research**

Research Exer. 1 (Print Statutes, etc.), due by the start of class today.

**Upcoming Assignments**

◆ **Writing**

Continue work on the Motion Memorandum, due via the TWEN Assignment Drop Box by 10:00 p.m. on Friday, March 4, 2011.

◆ **Citation**

ICW Chapter 6 (Federal Statutes), due by class time next week.

◆ **Research**

Research Exer. 2 (Electronic Statutes, etc.), due by class time next week.

**WEEK 4 February 5, 2011**

**Class Discussion Topics**

Motion practice  
Introduction to advocacy  
Trial memoranda

**Readings to prepare for class**

Edwards, Chapter 18 (Formulating and Structuring a Favorable Rule) & 20 (Writing the Working Draft)

Sirico and Schultz Handout

**Assignments due this week**

◆ **Citation**

ICW Chapter 6 (Federal Statutes), due before class starts today.

◆ **Research**

Research Exer. 2 (Electronic Statutes, etc.), due before class starts today.

**Upcoming Assignments**

◆ **Writing**

Continue work on the Motion Memorandum, due via the TWEN Assignment Drop Box by 6:00 p.m. on Friday, March 4, 2011.

◆ **Citation**

ICW Chapter 7 (State Statutes) due by class time February 12.

**Notes**

Tutorial sign-ups will be posted on the TWEN site this week at a date and time TBA.

**WEEK 5 February 12, 2011**

**Class Discussion Topics**

Advocacy and trial memoranda, cont.

**Readings to prepare for class**

Edwards, Chapter 21 (The Argument and Format of the Brief) & 22 (The Statement of Facts)

Sirico and Schultz Handout

**Assignments due this week**

◆ **Research**

Research Status Report due via the Assignment Drop Box on the TWEN site by 6:00 p.m. on Tuesday, February 15.

◆ **Citation**

ICW Chapter 7 (State Statutes), due before class starts today.

**Upcoming Assignments**

◆ **Writing**

Continue work on the Motion Memorandum, due via the TWEN Assignment Drop Box by 6:00 p.m. on Friday, March 4, 2011.

◆ **Citation**

ICW Chapters 8 and 10 (Statute Short Cites and Case Subsequent History), due by class time on Saturday, February 19.

**Notes**

Alpha (group research) tutorials start this week.

Please remember that each tutorial is worth four points, and you must come prepared to each type of tutorial, as directed, to receive the points.

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**WEEK 6     February 19, 2011 (class from 9:15 to 10:10 today)**

**Class Discussion Topics**

Advocacy and trial memoranda, cont.  
Citation review

**Readings to prepare for class**

Edwards, Chapter 23 (Editing the Brief)

**Assignments due this week**

◆ **Citation**

ICW Chapters 8 and 10 (Statute Short Cites and Case Subsequent History), due before class starts today

**Upcoming Assignments**

◆ **Writing**

Continue work on the Motion Memorandum, due via the TWEN Assignment Drop Box by 6:00 p.m. on Friday, March 4, 2011.

**Notes**

Classes will meet for only one hour this week. **Please bring your Bluebook and your ICW to class.**

Alphas continue; Beta tutorials begin this week. A list of what to bring to your beta tutorial will be included in the trial memorandum assignment.

Please remember that each tutorial is worth four points, and you must come prepared to each type of tutorial, as directed, to receive the points.

**WEEK 7 February 26, 2011 (class will meet for one hour today – you will either attend class from 9:15 to 10:15 or 10:15 to 11:15)**

**Class Discussion Topics**

Editing and citation

**Assignments, Tutorials, and Notes**

**Required Reading:**

No new reading assignment this week.

**Notes:**

Classes will meet for only one hour this week. **Please bring your Bluebook and your ICW to class.**

**Tutorials:**

Alphas continue; Beta tutorials begin this week. A list of what to bring to your beta tutorial will be included in the trial memorandum assignment.

Please remember that each tutorial is worth four points, and you must come prepared to each type of tutorial, as directed, to receive the points.

**Assignments due this week**

Motion Memorandum due via the TWEN Assignment Drop Box by **6:00 p.m. on Friday, March 4, 2011.**