

**LEGAL RESEARCH AND WRITING
SECTIONS A AND G
SYLLABUS
SPRING 2011**

Prof. Ken Swift

Note: This is a preliminary syllabus. A final syllabus will be distributed in class

Introduction, Course Objectives and Learning Outcomes(same as Fall)

To be an effective lawyer, you must be both a thorough researcher and a clear, precise writer. Most lawyers, and particularly associates and judicial clerks, spend more time engaged in research and writing than in any other professional task. They research and write letters, memoranda, pleadings, briefs, contracts, wills, trusts, and numerous other types of documents. Inadequate research and imprecise writing can result in lost cases, malpractice claims, and court-imposed sanctions. Hamline's Legal Research and Writing program will help you develop the legal research and writing skills necessary to become a competent lawyer.

In the first semester you will learn the fundamentals of legal research and citation. You will learn the difference between primary and secondary sources and between binding and persuasive sources. Most importantly, you will begin to learn how to select the proper authorities for your case. You will also be introduced to basic drafting skills and client interviewing.

In the first semester you will also learn the basic structure of a legal document as you write an objective office memorandum. Your understanding of this basic structure will be developed throughout your three semesters.

The second semester will focus much more heavily on writing and legal analysis. You will continue to acquire research and citation skills, including those related to statutes. You will continue to develop your understanding of the structure of a legal writing document and will have the opportunity to apply those skills in a persuasive document. Additional drafting skills will also be learned.

Learning Outcomes

Upon completion of these two semesters you will be able to:

- Demonstrate knowledge of the structure, components, and functioning of the U.S legal system
- Use appropriate strategies and technologies to retrieve, use, and manage research materials and information effectively and efficiently
- Comprehend and synthesize the reasoning and rules contained in legal authorities and apply them to a variety of client situations
- Understand and apply the structure of written legal analysis

Spring 2011 Required Texts

Louis J. Sirico and Nancy L. Schultz, Legal Writing and Other Lawyering Skills (5th Edition, Aspen Publishers 2010) (“Sirico”)

Christina L. Kunz, Deborah A. Schmedemann, Ann. L. Bateson, Matthew P. Downs & Susan L. Catterall, The Process of Legal Research (7th Edition., Aspen Publishers 2008) (“Process”)

The Bluebook (19th Edition, Harvard Law Publishers 2010) (“Bluebook”)

McGaugh and Hurt, Interactive Citation Workbook for Bluebook Citation Manual 2010 Edition (LexisNexis) (“Interactive”)

Text Notes:

1. There are **NO NEW** required texts from last semester.
2. You may, however, be asked to purchase a packet from the bookstore in connection with portion of the semester on drafting. You will be informed in class if this is required.

Recommended textbooks

The following references and study aids are available in the library, bookstore, and/or online sources such as amazon.com.

Margaret Z. Johns, Professional Writing for Lawyers (Carolina Academic Press 1998)

Richard C. Wydick, Plain English for Lawyers, (4th ed., Carolina Academic Press 1998)

Linda Holdeman Edwards, Legal Writing: Process, Analysis, and Organization (2d ed., Aspen L. & Bus. 1999)

COURSE RULES

Important Note:

All class rules listed in the *Fall Syllabus, Student Manual, and Code of Conduct* including, but not limited to, attendance, turning in assignments and related penalties, laptop policy, and ethical rules apply to Spring Semester. The document is available on the course website.

DRAFT

Tentative Spring Semester Point Total

Trial Memo	20
Citation and Research Quiz	15
Writing Examination	25
One Case Analysis	8
Client Letter	5
Quick Turn-Around Email	5
Drafting Exercises	10

The following are each worth 2 points, unless noted:

Federal Statute Citation Exercise
State Statute Citation Exercise
Short form Statute Citation Exercise
Signals Citation Exercise
Parentheticals Citation Exercise
Electronic, Internet, and Nonprint Sources Citation Exercise
Court Documents Citation Exercise
Trial Memo Research Assignment
Research Memo Outline (used in Law firm Meeting)
Trial Memo Tutorial Research Memo

Total 20

Semester Point Total 108

Writing Examination

The writing examination will be modeled after the Multistate Performance Test, a component of the bar exam in Minnesota and most jurisdictions. The exam materials will consist of a fact pattern, cases, and possibly statutes and/or other legal sources. The exam will require you to draft a memorandum.

An overview of the Multistate Performance Test can be found at: <http://www.ncbex.org/multistate-tests/mpt/>. You will also find past MPT questions on the website (NOTE: the MPT questions can cover a variety of skills (although generally it is a writing question), but our exam will definitely consist of a memorandum).

Citation and Research Quiz

The citation quiz will cover the material presented in the readings and exercises from this semester only. The format will be the same as Fall Semester: multiple choice/true false questions. You will be allowed to use your Bluebook.

Syllabus

The syllabus is organized per week. Unless otherwise noted, all reading assignments should be completed prior to the first class session. In certain weeks (such as when librarian or Westlaw/Lexis lectures are scheduled), material covered will be delineated between days. Otherwise that week's subject matter may be covered in either session, or both.

Week of 1/17 (Wed. session only)

Reading Assignments:

Process, Chapters 11, 12, and 16
Interactive, Chapters 6 and 7

Class Topics:

Discussion of second semester
Introduction to statutes and rules of procedure
Statutes Citations – State and Federal

Due: (NOTE: All research and citation exercises are completed on-line and are not physically turned in. For research and citation exercises, “due” means completed by 5:00 p.m. on the due date)

- You will complete the One Case Analysis exercise with a partner. If you wish to request a partner, you must download the partner request form and email it to me by 5 p.m. Monday, January 24th.

Week of 1/24

Reading Assignments:

Sirico, Ch. 3

It is highly recommended that you review the following articles, assigned last semester (Fall syllabus available on the course website):

What is a Rule of Law?

What is a Case Illustration?

The Writer's Corner: Presenting Case Law Effectively

Class Topics:

Class 1: Librarian Lecture

Introduction to statutes and rules of procedure research

Research strategies

Class 2:

Working with a statute to create a rule of law

Discussion of the One Case Analysis exercise

Review of rules and illustrations

Due: (NOTE: All research and citation exercises are completed on-line and are not physically turned in. For research and citation exercises, "due" means completed by 5:00 p.m. on the due date)