

COURSE SYLLABUS

Faculty: **Kelly Mickelson**

Course: **LRW III (Weekend)**

Semester: **Fall 2011**

Meeting Schedule: **Sunday, 1:15pm-3:30pm* (see note at end of syllabus)**

Room: **Law 4 (basement)**

Textbook	Primary Text	Primary Text	Primary Text
Author	Mary Beth Beazley	Wilson R. Huhn	Alan L. Dworsky
Title and edition of text	A Practical Guide to Appellate Advocacy	The Five Types of Legal Argument	The Little Book on Oral Argument
Publisher/year	Aspen	Carolina Academic Press	Fred B Rothman & Co
ISBN	978-0735585102	978-1594605161	978-0837705576

**Please note that you will also need The Bluebook (19th Edition), though it is assumed that you have already bought this in your first year of Legal Research & Writing.*

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.

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.

Penalties for Late Assignments:

1. Assignments uploaded to the TWEN site after 1:15p.m. on the due date, but before 1:15p.m. the following day, will have four points deducted for lateness.
2. Assignments uploaded to the TWEN site after 1:15p.m. on the day after the due date will have four additional points, or a total of eight points, deducted for lateness.
3. Assignments uploaded to the TWEN site after 1:15p.m. on succeeding days will have four points deducted for each day late.

Every assignment is mandatory. You may not choose to skip an assignment, nor may you knowingly submit written work that fails to meet minimum standards for style, substance, or effort.

Late assignments may not be critiqued, depending on my schedule and availability.

Semester Point Totals

<i>Research Guide Project</i>	30
<i>Brief</i>	
Research Journal	Good Faith Pass/Fail basis
Building Blocks of Brief	Good Faith Pass/Fail basis
Brief	75
Oral Argument	30
<i>Exams</i>	
Legal Research Exam	30
<i>Course Professionalism and Participation</i>	5
Total	170

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.

Determination of Final Grade

I will determine your grade by adding up the total number of points received during the semester, and then deducting, if applicable, any points lost through excessive absenteeism or professional misconduct. I will then curve grades by comparing the total number of points received by my students. Grades will be based on this point comparison, rather than on the percentage of the total points you have received.

I will calculate the average and median grades for each assignment to help you determine your relative standing among your instructor's students.

General Overview of Assignments

Research Guide Project

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 – it should be your first attempt to frame the argument, with supportive primary and secondary materials to support your preliminary assertions.

Brief

Your major writing assignment will be an appellate, 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 appellate 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.

Legal Research Exam

The legal research exam is a 30 minute, 30 multiple choice question exam that is designed to test your knowledge of the legal research techniques and skills you have mastered in the first half of the semester.

Course Professionalism

Practicing attorneys are expected to display professional behavior. Being a professional law student means being engaged in class, being respectful of classmates’ views and time, and avoiding both in-class and out-of-class behavior that creates even the appearance of impropriety. Because the expectation is that students will exhibit professional behavior, you will be automatically awarded five points for professionalism and participation. Any or all of those points, however, may be deducted from your semester point total for unprofessional behavior or lack of participation. Such behavior may include, but is not limited to, inappropriate use of technology during class, disruptive classroom behavior, failure to participate in in-class or group work, or excessive tardiness. Any point deductions for unprofessional behavior are within my discretion.

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.
- 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: August 14, 2011
1:15-3:30pm

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: August 21, 2011
1:15-3:30pm

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: August 28, 2011
1:15-3:30pm

IN-CLASS ACTIVITIES and DISCUSSIONS

Cost Effective Legal Research

Beginning discussions of the Appellate Brief problem

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Skim the Appellate Brief problem

ASSIGNMENTS DUE THIS WEEK

Research Project is due by 1:15pm, August 28, 2011 - upload your Research Guide Project to TWEN "Assignment Drop Box" (no hard copy required).

Sunday, September 4, 2011 – NO CLASS

Read the entire Brief Case Record over the break

Week Four: September 11, 2011

1:15-3:30pm

IN-CLASS ACTIVITIES and DISCUSSIONS

Framing the argument for 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

Sign-up for who you would like to represent by September 10, 2011 at 5pm (Sign-Up Sheet on TWEN).

Week Five: September 18, 2011
1:15-3:30pm

IN-CLASS ACTIVITIES and DISCUSSIONS
Continuing discussions regarding the brief
Research for the brief

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK
N/A

ASSIGNMENTS DUE THIS WEEK
Research Journal due this week, by 1:15pm, September 18, 2011
Upload your assignment to TWEN "Assignment Drop Box" (no hard copy required).

Week Six: September 25, 2011
1:15-3:30pm

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

N/A

Week Seven: October 2, 2011
1:15-3:30pm

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

Huhn reading – Chapters 1 – 8 (pgs. 7-84)

ASSIGNMENTS DUE THIS WEEK

Building blocks of brief due this week, by 1:15pm, October 2, 2011
Upload your assignment to TWEN “Assignment Drop Box” (no hard copy required).

Week Eight: October 9, 2011
1:15-3:30pm

IN-CLASS ACTIVITIES and DISCUSSIONS

Legal Research Exam

Preparing to Write the Brief

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Beazley reading – Chapters 5 and 6

Huhn reading – Chapters 9 – 22 (pgs. 85 – 191)

ASSIGNMENTS DUE THIS WEEK

N/A

Week Nine: October 16, 2011
1:15-3:30pm

IN-CLASS ACTIVITIES and DISCUSSIONS
General Discussions Regarding Brief

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK
Beazley reading – Chapters 7, 11 and 12

ASSIGNMENTS DUE THIS WEEK
N/A

Sunday, October 23, 2011 – NO CLASS

Week Ten: October 30, 2011
1:15-3:30pm

IN-CLASS ACTIVITIES and DISCUSSIONS
Oral Argument Discussion

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK
N/A

ASSIGNMENTS DUE THIS WEEK

Brief due by 1:15pm, October 30, 2011

Upload your assignment to TWEN "Assignment Drop Box" (no hard copy required).
Please send electronic copies of your brief to opposing counsel and co-counsel on
the same date, between 1:00pm and 1:15, on October 30, 2011

Week Eleven: November 6, 2011
1:15-3:30pm

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

Beazley reading – Chapter 13

Read “The Little Book on Oral Argument”

ASSIGNMENTS DUE THIS WEEK

N/A

Week Twelve: November 13, 2011
No formal class held this day

IN-CLASS ACTIVITIES and DISCUSSIONS

Oral Arguments (come at your scheduled time; more details later)

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

N/A

ASSIGNMENTS DUE THIS WEEK

N/A

** This is the end of the class; we will not meet on Sunday, November 20, 2011 (the time for this class has been split up evenly into the 11 other class meetings; hence, the 1:15-3:30pm session every other week)*

APPENDIX: RULES GOVERNING RESEARCH AND WRITING ASSIGNMENTS

All assignments are governed by Hamline Law School's Code of Conduct, which can be found in the "Student Policies" section of the Registrar's website, as well as by the Legal Research and Writing Code of Conduct, which is set forth in Appendix B of this manual. A couple of representative examples of the law school Code are noted, in whole or in part, below.

► Section 3.01 of the Law School's Code of Conduct provides, in part:
Any dishonest conduct, course of conduct, illegal act, or conduct which is cause for rejection of a candidate for admission to the Bar of the Supreme Court of Minnesota is prohibited. Nonexclusive examples of such conduct are . . .

(g) Plagiarism.

► Section 3.03 of the Law School's Code of Conduct, entitled "Prohibited Conduct—Written Work," provides:

This section provides further example[s] and specific notice of the type[s] of conduct which the law school regards as dishonest with regard to written work produced as an assignment for a course or for any extracurricular activity such as Moot Court or the law journals. This section is not to be construed as limiting Section 3.01 in any way.

To engage in any of the following acts in connection with any written work shall be prohibited:

(a) To engage in any act specifically prohibited by the written instructions governing the assignment;

(b) To submit as one's own any written assignment partially or totally written by another unless specifically permitted to do so by the written instructions governing the assignment;

(c) To collaborate with another student in violating either subsection (a) or subsection (b) of this section;

(d) To take, without authorization, conceal, or destroy materials from any library where the result is to deny access to such materials to other students.

You are expected to know these rules and the rules contained in the Legal Research and Writing Code of Conduct. Violations of the rule against plagiarism, as well as other rules of conduct governing the Legal Research and Writing Program, are handled under the Law School's Code of Conduct. The following paragraphs describe in general terms conduct that is prohibited by the Legal Research and Writing Code of Conduct. The Legal Research and Writing Code of Conduct, which is set forth in

Appendix B, includes the specific rules and examples illustrating how the rules are applied. If you have any questions about what constitutes impermissible conduct, please discuss the matter with me.

1. Plagiarism

Plagiarism is an extremely serious matter. The essence of plagiarism is the representation of the work of another person as one's own. This includes any part of the work of another person, whether another student or a published author, and includes even a phrase or a single sentence. Every direct quotation must be identified by quotation marks or proper block indentation on the page, with an accurate citation to the source from which the quotation is taken. If you paraphrase or summarize the work of another, you must still acknowledge the source. Take care in taking notes so that later you do not inadvertently use the words, phrases, or thoughts of another person without identifying your source or quoting accurately. You are expected to exercise reasonable care to ensure that you do not represent the work of another person as your own. Please note that even unintentional, negligent plagiarism violates both the Law School's Code of Conduct and the Legal Research and Writing Code of Conduct. The Legal Research and Writing Code of Conduct provides some representative examples of acceptable and unacceptable conduct. If you have any questions about this policy, please ask me.

2. Collaboration

Unauthorized collaboration also violates the Code of Conduct. You are encouraged to discuss any writing assignment in this course with others. You may not, however, submit a final assignment or bring to a tutorial written work that has been researched, outlined, written, edited, proofread, or critiqued, in whole or in part, by any individual other than you, me, the Director of Academic Success, one of the law school's Academic Success Tutors, or persons specifically authorized by me. This means that, for writing assignments, you and your classmates may discuss research strategies and the substance of cases found through research, but may not, unless expressly authorized by me, research together or exchange a list of case citations. (Please note that, as described above, the collaboration rules are slightly different for the research exercises, where collaborative researching is allowed if in compliance with guidelines.)

Classmates may discuss their ideas on how a memorandum might best be organized, but may not jointly prepare a written outline. Classmates may discuss the substantive ideas they intend to express in their writing assignments, but may not collaborate in writing the work. Unless you have been informed otherwise by me, you may neither look at another student's written work, nor show another student your written work, until after the work has been submitted to me. Once the work has been submitted, you may review another student's work, but only with the permission of the student, with the exception that assignments that are components of the major graded assignments may not be shared between students, even after they have been submitted to me. I will identify these assignments.

I do not allow you to have your written work edited or proofread by other individuals, except during occasional class exercises, for two reasons. First, I want you to learn to edit, proofread, evaluate, and revise your own work. Second, I need to know if you are having a problem with some aspect of legal writing or analysis so the problem can be corrected before you finish your first year of law school.

When one student voluntarily allows another student to use his or her work in violation of assignment rules, both students have violated the Code of Conduct. The Legal Research and Writing Code of Conduct provides examples of acceptable and unacceptable conduct. The line between a permissible exchange of ideas and unauthorized collaboration is usually clear, but at times can be difficult to draw. If you have any questions about this policy, please ask me.

OPPORTUNITIES FOR ADDITIONAL ASSISTANCE

Students who need additional assistance in Legal Research and Writing may benefit from working with the Director of Academic Success or one of the tutors in the Academic Success Program. The Academic Success Tutors work in all law school subject areas and assist all students with writing skills, skill development (including case reading, analysis, and synthesis), substantive review of courses, outlining, exam taking, and general academic performance issues. No referral is necessary to use the services of the program.

All Academic Success Tutors have expertise in legal writing and are available to assist with certain aspects of LRW assignments. You may contact the Director of Academic Success, Alice Silkey, or the Academic Success Tutors directly for assistance. Professor Silkey is available in person (Law School Room 209W), by phone (651-523-3012), or by email (asilkey@hamline.edu) and can answer any questions about the program and tutor availability.

Additional assistance for LRW assignments may also be obtained from second-year and third-year student volunteer tutors (peer tutors). Please see me if you think you would benefit from working with a peer tutor. DO NOT arrange to work with another student without my permission.