

# **DRAFT WEEKEND LEGAL RESEARCH & WRITING I SYLLABUS FALL 2011**

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Weekend Section**

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**This is a draft syllabus. You will receive a final syllabus in the first class that will flesh out some of the assignments for the semester. The course policies, list of required textbooks, and reading assignments for the first two weeks of class listed in this Draft will not change in the final syllabus, so you can rely on this information as you prepare for class.**

**Most of the required textbooks are not new this year, so you should be able to find used books online or in the HUSL Bookstore, if you wish. As of the date of this draft, the 2011 edition of the Interactive Citation Workbook is not available from the publisher. You will not need this book until Week 3 of class, so don't worry about purchasing it before school starts.**

## **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. We will focus on legal writing during fall semester. You will learn how to research during spring semester, in addition to further developing your legal writing skills.

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 will be 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 1:15-3:15 p.m. every Saturday in Room 101. In addition, we may have individual tutorials outside of class time. We will discuss this in class. There will be no class on September 3, October 22, or November 26, 2010. **Note that on November 12, we will have a three-hour class (1:15-4:15 p.m.) and on November 19, we will have a one-hour class (1:15-2:15 p.m.).**

## **Teaching Assistants**

Amanda West (awest06@hamlineuniversity.edu) and Matt Lindeman, (mlindeman02@hamlineuniversity.edu) are teaching assistants for this class. Amanda and Matt will participate in class and will keep office hours so they can help you with your 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. Some readings may be 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. Class is designed to build on the readings and add new information to what you read in the texts. 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, but these exercises are not required.

Although this syllabus contains some deadlines for assignments so that you can plan ahead, the actual hard copies of the individual assignments will contain more detailed information. Those detailed submission rules are the ones that must be followed when submitting assignments.

## **Attendance**

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

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.<sup>2</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.

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.

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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 21, 2011).

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 21, 2011).

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 and other grade deductions.

You must ask permission if you want to record class.

### **Email Policy**

One of the big discussion 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 email, 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:

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

George W. Kuney & Donna C. Looper, Mastering Legal Analysis and Drafting (2009)

(“MLA”)

Tracy L. McGaugh and Christine Hurt, Interactive Citation Workbook for The Bluebook: A Uniform System of Citation (2011) (“ICW”)—not available as of July 1, 2011

David S. Romantz & Kathleen Elliott Vinson, Legal Analysis: The Fundamental Skill (2d ed. 2009) (“LA”)

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 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 and the individual assignments for requirements and submission information. The assignments for which you will receive grades during fall semester are the following:

- One Case Legal Analysis
- Closed Office Memorandum 1
- Closed Office Memorandum 2 and cover letter
- Statutory Drafting Exercise and cover email
- Two tutorials, either in-person or via email, one held before each of the memos is due
- Grammar exercises
- Citation exercises
- Final exam. This is a 50-minute cumulative exam that will be administered in class on Saturday, November 19, 2011.

**Class 1      August 13, 2011**

**Class discussion topics**

Introduction to the course and course policies, including TWEN access

Closed Office Memorandum 1 (“CM1”) overview and description of the sequence of learning for the first five weeks of the course

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

Kinds of authority

How to read CM1 cases

Class questionnaire

**Assignments**

**Reading**

This syllabus

LA: Chapters 1 & 2

MLA: Chapter 1, pages 3-5 and 15-22

(You are never required to work the exercises at the end of the assigned chapters in your writing texts, unless I specifically tell you to do so.)

**Writing**

Closed Memo 1 assigned today

Once Case Legal Analysis (“OCLA”) assigned today

Class Questionnaire assigned today

**Notes**

**The Class Questionnaire will be available on TWEN and is due via email or hard copy by Wednesday, August 17 at 6:00 p.m.**

**Class 2      August 20, 2011**

**Class discussion topics**

Case analysis and formulating a rule and holding from a case

CM1 assignment

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

OCLA assignment

Analogical and rule-based reasoning

**Assignments**

**Reading**

CM1 packet

OCLA assignment

LA: Chapter 3, pages 37-45 and 49-59; Chapter 7

MLA: Chapter 1, pages 27-31; Chapter 2

Course syllabus

Legal Research and Writing Student Manual

**Writing**

Brief the case you will be using for the OCLA (briefs will not be turned in, but the case will be discussed in class)

**Class Questionnaire Due via email or in hard copy by 6:00 p.m. on Wednesday, August 17, 2011.**

**Class 3      August 27, 2011**

**Class discussion topics**

Case synthesis

CREAC (cont.)

Discussion and synthesis of CM1 cases

Parts of an interoffice memorandum

Tutorials—what they are and how they work

Introduction to Citation

**Assignments**

**Reading**

MLA: Chapter 1, pages 22-27  
Bluebook: Introduction; Rules B1-B4, R1, R6, R10  
ICW: Chapters 1-2 (case names & case location)

**Writing**

Work on OCLA  
Brief remaining CM1 cases (briefs will not be turned in)

**OCLA is due today. See assignment for submission details.**

**Citation**

ICW Chapters 1 and 2 and accompanying exercises assigned this week. You will usually have one week to complete citation exercises, unless otherwise noted. However, you get 2 weeks to complete ICW Exercises 1 and 2 since there is no class next week.

You need not answer all the questions for each ICW chapter. The questions you must answer for each chapter are listed on the TWEN site. Please refer to the site every week to see what questions you must complete.

**Notes**

No class next week. Enjoy Labor Day weekend!

**Class 4      September 10, 2011**

**Class discussion topics**

Small-scale organization/organization of discussion section of an office memo—CREAC

Synthesis (cont.)

Audience, purpose, and tone of an office memorandum

Common problems on the OCLA exercises

**Assignments**

**Reading**

LA: Chapter 4

MLA: Chapter 1, pages 27-32; Chapters 3 & 5

Just Writing: Pages 1-5; Chapters 1-4

Bluebook: Rule B4, R10

ICW: Chapters 3 & 5 (court and date in case cites and short form case citation)

**Writing**

Prepare for closed memo tutorial

**Citation**

**ICW Exercises 1 & 2 due today**

ICW Exercises 3 & 5 assigned today

**Tutorials**

Tutorials begin this week—we will discuss the tutorial process 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.

You must bring a double-spaced hard copy of the Discussion section of your memo to your in-person tutorial.

You must submit a Word attachment of the Discussion section of your memo to me by 6:00 p.m. on Friday, September 16, 2011, if you are having an email tutorial.

**Notes**

OCLA exercises returned today

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**Class 5      September 17, 2011 (Constitution Day)**

**Class discussion topics**

Citation and editing

In-class drafting of the Question Presented and Brief Answer sections of CM1

Organization of Discussion Section of Memo

Paragraph structure/effective writing techniques

Boundaries of collaboration and plagiarism

**Assignments**

**Reading**

Just Writing: Chapters 5-9

Bluebook: Rules B1-B4, R1, R6, R10.9

**Writing**

Work on the CM1

**Citation**

**ICW Exercises 3 & 5 due today**

**Tutorials**

Tutorials continue this week—we will discuss the tutorial process 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.

You must bring a double-spaced hard copy of the Discussion section of your memo to your in-person tutorial.

You must submit a Word attachment of the Discussion section of your memo to me by 6:00 p.m. on Friday, September 16, 2011, if you are having an email tutorial.

**Notes**

To avoid last-minute crises over submitting CM1, please be certain to check on printer supplies and resolve any computer problems.

**Class 6      September 24, 2011 (National Punctuation Day)**

**Class discussion topics**

Drafting statutes

**Assignments**

**Reading**

LA: Chapter 5  
MLA: Chapter 1, pages 5-15; Chapters 2 & 9  
ICW: Chapters 6 & 7 (federal and state statutes)  
Bluebook: Rules B5, R3, R12  
Other reading TBA

**Writing**

**Closed Office Memorandum 1 is due today. See assignment for particulars regarding submission.**

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.

Statutory Drafting exercise assigned today

**Citation**

ICW Exercises 6 and 7 assigned today

**Notes**

Congratulations on completing your first major Legal Writing assignment!

I may not be on campus every day when I am grading CM1. Feel free to call me or email me with questions, or to schedule a meeting.

**Class 7      October 1, 2011**

**Class discussion topics**

Intro to CM 2  
Client letters/professional communications  
Client interviewing

**Assignments**

**Reading**

MLA: Chapter 4  
ICW: Chapter 8 (short form statute cites)  
Bluebook: Rule B5.2, 12.10  
Client interviewing handout  
Other reading TBA

**Citation**

**ICW Exercises 6 & 7 due today**  
ICW Exercise 8 assigned today

**Notes**

I may not be on campus every day when I am grading the CM1. Feel free to call me or email me with questions, or to schedule a meeting.

**Class 8      October 8, 2011**

**Class discussion topics**

CM2

Large-scale organization of a multiple-issue memo

Parts of an office memorandum:

    Question(s) presented

    Brief answer(s)

    Discussion

**Assignments**

**Reading**

Review MLA Chapter 5

Review LA Chapter 7, paying special attention to pages 128-30 and 135-40

ICW Chapter 9 (Comprehensive Core Exercise)

**Writing**

**Statutory drafting exercise and accompanying cover letter/transmittal email due today**

**Citation**

**ICW Exercise 8 due today**

**Notes**

I may not be on campus every day when I am grading CM1. Feel free to call me or email me with questions, or to schedule a meeting.

**Class 9      October 15, 2011**

**Class discussion topics**

Parts of an office memorandum:

Heading

Facts

Discussion/organization

Conclusion

Citation Workshop—review of common problems

**Assignments**

**Reading**

ICW: Chapters 12 & 13 (parentheticals and signals)

Bluebook: Rules B11, R10.6, R.10.7

**Writing**

Work on CM2

**Citation**

**ICW Exercise 9 due today**

ICW Exercises 12 and 13 assigned today

**Notes**

I will have drop-in office hours from 11:15 a.m. to 1:00 p.m. today in my office and from 3:15 to 6:30 p.m. today in a location TBA for people who want to discuss their CM2 assignments.

I will have drop-in office hours tomorrow from 11:15 a.m. to 1:00 p.m. in a location TBA for people who want to discuss their CM2 assignments.

You will have 2 weeks to complete ICW Exercises 12 and 13.

No class next week. Enjoy your fall break!

**Class 10      October 29, 2011**

**Class discussion topics**

Parts of memo, continued

Analogical arguments

Peer review of Questions Presented and Brief Answers for the memorandum

Writing skills

Citation

Editing

**Assignments**

**Reading**

ICW: Chapter 16 (citation placement)

**Writing**

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

Work on CM2 and prepare for tutorials

**Citation**

**ICW Exercises 12 and 13 due today**

ICW Exercise 16 assigned today

**Tutorials**

Optional in-person individual tutorials begin this week. We will discuss this in class.

People having in-person tutorials must bring a draft of the Questions Presented, Brief Answers, and Discussion sections of CM2 to their tutorials. We will focus on these sections during tutorials. You may also bring along drafts of your Facts and Conclusion, if you want, and we will discuss those as time permits.

People doing email tutorials must submit a Word format draft of the Questions Presented, Brief Answers, and Discussion sections of CM2 via email by 6:00 p.m. on Friday,

November 4. You may also include drafts of your Facts and Conclusion, if you want, and I will comment on those as time permits.

If you want, you may email me your submission up to 48 hours before your in-person tutorial and I will have a markup of your submission ready at the tutorial. Your submission must include your name and your tutorial time and date on the first page.

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.

### **Notes**

CM1 returned today, if not already returned.

To avoid last-minute crises over submitting CM2, please be certain to check on printer supplies and resolve any computer problems.

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**Class 11      November 5, 2011**

**Class discussion topics**

CM2  
Self-editing class  
Q & A re: CM2

**Assignments**

**Writing**

Work on CM2  
Bring a draft of CM2 to class for an editing exercise.

**Citation**

**ICW Exercise 16 due today**

**Notes**

Tutorials continue this week. We will discuss this in class.

People having in-person tutorials must bring a draft of the Questions Presented, Brief Answers, and Discussion sections of CM2 to their tutorials. We will focus on these sections during tutorials. You may also bring along drafts of your Facts and Conclusion, if you want, and we will discuss those as time permits.

If you want, you may email me your submission up to 48 hours before your in-person tutorial and I will have a markup of your submission ready at the tutorial. Your submission must include your name and your tutorial time and date on the first page.

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.

**Class 12      November 12, 2011**  
**This is a 3-hour class (1:15 to 4:15 p.m.)**

**Class Discussion Topics**

Simulated mediation of CM2 problem

Review for Exam

Administration of course evaluations

**Assignments**

**Reading**

Mediation information packet

**Writing**

**CM2 and cover letter are due today. See assignment for particulars regarding submission.**

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 CM2 will be handed back.

**Notes**

Congratulations on completing your second memorandum!

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

**Class 13      November 19, 2011**  
**This is a one-hour class (1:15 to 2:15 p.m.)**

**End-of-semester exam**

**Notes**

No class next week. Happy Thanksgiving!

I may not be on campus every day when I am grading the CM2 assignments. Feel free to call me or email me with questions, or to schedule a meeting between now and the start of spring semester.

**Congratulations on completing your first semester of law school!**

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