

DRAFT COURSE SYLLABUS*

Faculty: **Professor Andrew Crouse**
acrouse01@hamline.edu
Office Location: 228W
Office Hours: TBA

Course: **Legal Research and Writing (LRW) III (Weekday Sect. 1)**

Semester: **Fall 2011**

Meeting Schedule: **Fridays, 2:00-3:50 p.m.**

Room: **Law Room 101**

Required Texts**:

Author	Mary Beth Beazley	Wilson R. Huhn	Alan L. Dworsky
Title and edition of text	A Practical Guide to Appellate Advocacy, 3d ed.	The Five Types of Legal Argument, 2d ed.	The Little Book on Oral Argument
Publisher	Aspen	Carolina Academic Press	Fred B Rothman & Co
ISBN	978-0735585102	978-1594605161	978-0837705576
How referenced in this syllabus	Beazley	Huhn	Dworsky

Learning Outcomes for the Course:

1. Confidence in basic and advanced legal research techniques
2. Facility in discussing complex legal issues
3. Improvement of professional written communication skills
4. Refinement of legal analysis skills
5. Enhancement of persuasive writing skills
6. Development of basic oral advocacy skills
7. Familiarity with written discovery

*Please note that this version of the syllabus is a draft. It should give you a good overview of the semester and the important dates. Certain aspects, however, may be adjusted by the start of the school year, including, but not limited to, more specific reading assignments for later weeks.

**Please note that you will also need The Bluebook (19th Edition), which you already bought in your first year of LRW.

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 LRW. To the extent possible, I would like to simulate a law firm environment in which you are the associate assigned to our case and I am the partner overseeing your work. This simulation should inform all your actions throughout the semester: your attendance and participation in class; your level of professionalism; and your effort on each assignment. This semester's assignments will serve as the framework for our simulation and provide you with an opportunity to significantly improve upon your legal skills.

Of course, we are not actually in a law firm, and I am first and foremost your teacher. Please do not hesitate to call or email me if you need any assistance whatsoever; I am always available to you. I also strongly encourage you to give me feedback throughout the semester.

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 Policy:

You are required to attend all classes and to participate in class discussions and exercises. Please keep in mind that this class is twice as long as the 50-minute, twice-a-week LRW classes that many of you had during your first year, and therefore each class covers a whole week's worth of work. Penalties for missed classes are as follows:

1st missed class:	No points deducted
2nd and subsequent missed classes:	5 points deducted from your semester point total for each missed class

For the purposes of this policy, each missed class is considered one class, regardless of class length.

Punctuality Policy:

Please be respectful to me and your fellow classmates by being on time to each class meeting. I reserve the right to deduct points from your semester point total, within my discretion, for excessive tardiness.

Class Preparation and Participation Policy:

I reserve the right to increase or decrease your overall semester point total by 5 points based on your class participation and preparedness.

Personal Technology Policy:

Use of a laptop and a wireless internet connection will be required in many classes, so plan to bring your laptop to class each week. I reserve the right to deduct points from your semester point total, within my discretion, for laptop use unrelated to our class discussion.

Use of mobile phones, digital music players, and the like during class will not be permitted.

Electronic Communication Policy:

We will often use our TWEN site for the distribution of class materials and other communications. You are charged with the responsibility of reading the contents of every TWEN posting.

You have learned about professional email communications during LRW I and II. Remember that such communications require, among other things:

- a subject line specific to the subject of that particular email (i.e., change the subject line if you are responding to an earlier email but you are addressing a different subject);
- an appropriate salutation;
- an appropriate tone;
- full sentences;
- appropriate language choices (i.e., no emoticons, abbreviations, or other texting-like language uses); and
- an appropriate closing.

You will be expected to meet these requirements in any emails you submit to me in connection with class this semester, and I reserve the right to deduct points, within my discretion, for unprofessional email communications.

Late Assignment Policy:

Written Assignments

- Assignments emailed to me or uploaded to the TWEN site (depending on the assignment's specific instructions) after 12:00 p.m. on the due date, but before 12:00 p.m. the following day, will receive a 10% point deduction for lateness.
- Assignments emailed to me or uploaded to the TWEN site after 12:00 p.m. on the day after the due date will receive an additional 10% deduction, or a total deduction of 20%, for lateness.
- Assignments emailed to me or uploaded to the TWEN site after 12:00p.m. on succeeding days will receive an additional 10% deduction for each day late.
- All deductions will be rounded to the nearest whole number.
- You must complete every written assignment.

You are charged with the responsibility of ensuring that you have a properly functioning TWEN connection. TWEN provides 24/7 technical support and other resources at the numbers and addresses below:

TWEN Technical support 1-800-850-9378
Send an email (<mailto:west.support@thomson.com>)

TWEN Non-technical support 1-800-486-4876
Send an email (<mailto:west.twensupport@thomson.com>)

Oral Assignments

- An unexcused failure to appear at a scheduled oral presentation or argument will result in a 50% point deduction.
- You must complete every oral assignment.

Extensions

Under limited circumstances, such as illness or family emergency, I will consider granting you an extension to complete an assignment.

Only the Director of Legal Writing, however, can grant you an extension to complete your Appellate Brief (Final Version) assignment:

Mary B. Trevor
mtrevor@hamline.edu (email is the best way to contact Professor Trevor)
(651) 523-2487

Absent an emergency, you must ask for any extension in advance of the assignment deadline. Computer problems are not a valid reason for an extension.

General Overview of Graded Assignments:

Quick Turnaround Research Question

This research assignment will be assigned and completed within the same class period. The goal of this assignment is to simulate a scenario in which an associate is asked to quickly and concisely answer a partner's research question.

Oral Research Presentation

Before you submit your Appellate Brief assignment, you will formally present your research findings to me. The goal of this assignment is to simulate a typical interaction between an associate and a partner at a law firm. This interaction will require you to discuss complex legal issues and respond to limited questioning.

Professional Correspondence

After presenting your research findings and before you submit your Appellate Brief, you will write a formal letter or email based upon the arguments that you intend to make on behalf of your client in the Appellate Brief assignment. The goal of this assignment is to reinforce your skills in professional communication.

Appellate Brief (Tutorial and Final Versions)

The major writing assignment of the semester will be an Appellate 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.

You will submit two versions of your brief. First, you will submit a Tutorial Version, which I will grade and discuss with you in your individual tutorial. This version is not a rough draft, but rather a version you would feel comfortable submitting to a partner who employs you. It need not, however, include tables or a cover. Then, you will submit a Final Version, which should incorporate any suggestions gleaned from your tutorial and include the required tables and a cover. The Final Version is eligible for the highest point total of any assignment.

Appellate Oral Argument

All students will participate in the Appellate Oral Argument exercise, which will be based on the Appellate Brief problem. For the Oral Argument, you will represent the same party that you represented in the brief.

Semester Points Total (Subject to Change):

Quick Turnaround Research Question	10	(Fri., Sept. 9, 2011)
Oral Research Presentation	20	(Weeks of Sept. 12 & 19)
Professional Correspondence	30	(Fri., Sept. 30, 2011)
Appellate Brief (Tutorial Version)	10	(Fri., Oct. 14)
Appellate Brief (Final Version)	70	(Mon.*, Nov. 7)
Appellate Oral Argument	35	(Week of Nov. 14)
<i>Total</i>	<i>175</i>	

*While class typically meets on Fridays, please note that your Appellate Brief (Final Version) is due on a Monday.

Grading Criteria for Written and Oral Assignments:

The specific instructions for each assignment will include the grading criteria for that assignment.

Format of Writing Assignments:

The specific instructions for each assignment will include the format requirements for that assignment. Please note that instructions will vary between assignments because of the different types of assignments that you will be completing this semester.

Pass/Fail Assignment Policy:

Over the course of the semester, I will ask you to complete various Pass/Fail assignments to improve upon your research and writing skills. Pass/Fail assignments are subject to the following policy:

- A reasonable, good faith effort must be shown in order to receive a "Pass."

- You must timely submit an assignment to receive a "Pass." Failure to timely submit an assignment will result in a "Fail." In any event, you must submit each assignment.
- If you fail to ever submit a Pass/Fail assignment, I will deduct 5 points for each missed assignment from your overall semester total.

Weekly Assignments & Discussions:

Please note that the following syllabus entries, setting out the weekly assignments and discussions for the semester, are intended to serve as a guide to the material to be discussed each week in class, and I may modify them if necessary. If I do make any syllabus changes, I will announce them as far in advance as possible.

Week One: August 26, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

- Welcome and Introduction
- Administrative Matters
- Intro of Appellate Brief and Oral Research Presentation Assignments

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- Thoroughly review the syllabus. I will assume you are familiar with the syllabus and its policies and requirements.
- Beazley, Chap. 1
- Huhn, Intro. and Chaps. 1-4

ASSIGNMENTS DUE THIS WEEK

- N/A

Week Two: September 2, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

- Legal Research Refresher (class time may be extended by 30 minutes to accommodate Westlaw and Lexis presentations)
- Overview of Appellate Brief Research
- Intro of Quick Turnaround Research Question and Professional Correspondence Assignments

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- Thoroughly review Appellate Brief and Oral Research Presentation Assignment materials and bring any questions to class.
- Beazley, Chap. 3 & 4
- Huhn, Chaps. 5-7.

ASSIGNMENTS DUE THIS WEEK

- N/A

Week Three: September 9, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

- Quick Turnaround Research Question Assignment

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- N/A

ASSIGNMENTS DUE THIS WEEK

- N/A

Week Four: September 16, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

- Appellate Brief Writing
- Standards of Review
- Types of Arguments
- Professional Communication Refresher

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- Thoroughly review Professional Correspondence Assignment materials and bring any questions to class.
- Review Joseph M. Williams & Gregory G. Colomb, *Client Communications: Delivering a Clear Message*, Persp.: Teaching Legal Res. & Writing, Winter 2004, at 127.
 - ▶ Enter this citation to get the article on Westlaw: 12 No. 2 PERSPEC 127
- Beazley, Chaps. 2, 5 & 6
- Huhn, Chaps. 8-10

ASSIGNMENTS DUE THIS WEEK

- Research Presentations will be held this week.

Week Five: September 23, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

- Persuasion Techniques
- Appellate Brief Format
- Specific Brief Sections

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- Beazley, Chaps. 8 & 9
- Ruth Anne Robbins, Painting with Print: Incorporating Concepts of Typographic and Layout Design into the Text of Legal Writing Documents, 2 J. Assn. Legal Writing Directors 108 (Fall 2004)
- ▶ Enter this citation to get the article on Westlaw: 2 J. Ass'n Legal Writing Directors 108

ASSIGNMENTS DUE THIS WEEK

<ul style="list-style-type: none"> • Research Presentations will be held this week.
<p>Week Six: September 30, 2011</p> <p>IN-CLASS ACTIVITIES and DISCUSSIONS</p> <ul style="list-style-type: none"> • Advanced Research: Administrative Law and Legislative History <p>READING ASSIGNMENTS TO BE DONE FOR THIS WEEK</p> <ul style="list-style-type: none"> • Beazley, Chaps. 6 & 7 <p>ASSIGNMENTS DUE THIS WEEK</p> <ul style="list-style-type: none"> • Professional Correspondence due on Friday, September 30, at 12:00 p.m.
<p>Week Seven: October 7, 2011</p> <p>IN-CLASS ACTIVITIES and DISCUSSIONS</p> <ul style="list-style-type: none"> • Brief Sections, cont. • Appellate Brief Editing <p>READING ASSIGNMENTS TO BE DONE FOR THIS WEEK</p> <ul style="list-style-type: none"> • Beazley, Chaps. 10-12 <p>ASSIGNMENTS DUE THIS WEEK</p> <ul style="list-style-type: none"> • N/A
<p>Week Eight: October 14, 2011</p> <p>IN-CLASS ACTIVITIES and DISCUSSIONS</p> <ul style="list-style-type: none"> • Appellate Brief Editing, cont. <p>READING ASSIGNMENTS TO BE DONE FOR THIS WEEK</p> <ul style="list-style-type: none"> • N/A <p>ASSIGNMENTS DUE THIS WEEK</p> <ul style="list-style-type: none"> • Appellate Brief (Tutorial Version) due on Friday, October 14, at 12:00 p.m. You do not need to include tables or a cover.
<p>Week Nine: October 21, 2011</p> <p>IN-CLASS ACTIVITIES and DISCUSSIONS</p> <ul style="list-style-type: none"> • No Class (Fall Break) <p>READING ASSIGNMENTS TO BE DONE FOR THIS WEEK</p> <ul style="list-style-type: none"> • N/A <p>ASSIGNMENTS DUE THIS WEEK</p> <ul style="list-style-type: none"> • N/A
<p>Week Ten: October 28, 2011</p>

IN-CLASS ACTIVITIES and DISCUSSIONS

- Appellate Brief Wrap-Up

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- N/A

ASSIGNMENTS DUE THIS WEEK

- Individual tutorials will be held this week.

Week Eleven: November 4, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

- Appellate Oral Arguments

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- Dworsky book, in full
- Beazley, Chap. 13

ASSIGNMENTS DUE THIS WEEK

- Individual tutorials will be held this week.
- Appellate Brief (Final Version) due next week on Monday, November 7, at 12:00 p.m. You are also required to send electronic copies of your brief to opposing counsel and co-counsel by 12:30 p.m. on the same day.

Week Twelve: November 11, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

- Intro of Appellate Oral Argument Assignment
- Oral Argument Discussion - work with partner to prepare for Oral Argument

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- Review Dworsky and Beazley reading assignments from last week.
- Read your opponents' briefs & co-counsel's brief
- Prepare draft of oral argument outline before meeting with partner in class

ASSIGNMENTS DUE THIS WEEK

- Appellate Brief (Final Version) due on Monday, November 7, at 12:00 p.m. You are also required to send electronic copies of your brief to opposing counsel and co-counsel by 12:30 p.m. on the same day.

Week Thirteen: November 18, 2011

IN-CLASS ACTIVITIES and DISCUSSIONS

- No Class (Graded Oral Arguments)

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- N/A

ASSIGNMENTS DUE THIS WEEK

- N/A

Thanksgiving Break – Nov. 23-27 – No Class

Week Fourteen: December 2

IN-CLASS ACTIVITIES and DISCUSSIONS

- Overview of Discovery Drafting

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- TBA

ASSIGNMENTS DUE THIS WEEK

- N/A

Week Fifteen: December 9 Class Meets on Dec. 5

*Note that this week, law school classes will meet on Monday only, and the class schedule followed that day will be the Friday class schedule.

IN-CLASS ACTIVITIES and DISCUSSIONS

- Overview of Discovery Drafting, cont.
- Course evaluations and wrap-up

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

- TBA

ASSIGNMENTS DUE THIS WEEK

- N/A