

DRAFT LEGAL WRITING SYLLABUS, SPRING 2012
WEEKEND SECTION

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Office hours by appointment. Feel free to email or call to schedule appointments anytime.

COURSE OVERVIEW

The writing portion of Legal Research and Writing II is designed to teach you the difference between objective legal writing and advocacy writing, and to give you practice writing some of the other types of documents attorneys often write. You will receive a separate research syllabus for the research portion of this course. The research portion of this course will be taught by Prof. Barb Kallusky, Head of Public Services in the Law Library. The majority of the first seven weeks of the semester will be devoted to research instruction.

This is a draft syllabus that covers the first seven weeks of the semester. You will receive a final full-semester syllabus on the first day of class. 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 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.

Anticipated Learning Outcomes

See the *Student Manual* for more information about learning outcomes. At the conclusion of spring semester in this course, students will be able to:

- Understand the process of drafting, including using clients and forms as resources;
- Research the substantive law to aid in drafting a document;
- Organize a drafted document logically;
- Understand how to use clear and effective language, and to avoid inadvertent ambiguities in drafting documents;
- Understand how to use terms of authority (shall, must, may, etc.) correctly;
- Communicate effectively to clients in writing;

- Use litigation documents to support legal arguments;
- Write a Trial Brief to a court, in the appropriate format, that persuasively communicates arguments for a client;
 - Demonstrate professionalism skills, including representing clients in an ethical manner and displaying proper decorum in court; and
 - Advocate for clients via oral argument before a trial court.

Class Schedule

1:15 to 4:15 p.m. on Saturday, Room 101

Weekly Assignments

As in the fall, please complete the required reading assignments *before* class for 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 and Oral Argument

The major graded assignments this semester are the Client Letter Assignment (due February 4), the Multistate Practice Test (MPT) Assignment (due February 25), the Quick Turn-around Assignment (due February 29), the Advocacy Exercise (due March 21), the Trial Brief (due April 14), the Trial-level Oral Argument (presented in late April), and the Contract Drafting Assignment (due April 28). In addition, I may also assign points for some smaller research and writing assignments. The fact scenario for the Trial Brief assignment packet will form the basis for most assignments. You will receive your Trial Brief packet at the first class meeting.

Citation Exercises

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 exercises. Generally, you have one week to complete ICW exercises, and they are due at 1:00 p.m., unless otherwise specified. See page 13 of this draft syllabus for a chart with expected exercise due dates.

Research Exercises

You will complete a series of Research Exercises this semester. The Research Syllabus contains information on these exercises. Research exercises will be assigned and graded by Prof. Kallusky and the points you receive for the exercises will be applied to your LRW II point total.

Class Meetings, Tutorial, and Oral Argument

Class meets for 3 hours a week. For the first half of the semester, class time will be shared between research instruction and writing instruction. As you did in the fall, please check the syllabi entries for each week carefully because the schedule may vary during some of the weeks. Some weeks, we may meet for a shorter time and we will use the rest of our class time for tutorials or other small-group instruction. Please note that the syllabus is intended to serve as a guide to the material 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.

There will be two tutorials and an oral argument simulation this semester, both associated with the Trial Level Brief. You will have one required in-person group Alpha Tutorial and an optional-in person individual Beta Tutorial. People who choose not to have in-person Beta Tutorials will have email tutorials. You will also do an oral argument outside of class time later in the semester. Tutorial and Oral Argument scheduling will be done through the sign-up sheets on the course TWEN site.

TEXTBOOKS

You will be using the same required writing 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. See the Research Syllabus for the required research texts.

Required textbooks and materials (these are the same texts and materials that were required fall semester):

The Bluebook: A Uniform System of Citation (Columbia Law Review Ass'n et al. eds., 19th ed. 2010) ISBN 9780615361161 ("Bluebook").

George W. Kuney & Donna C. Looper, *Mastering Legal Analysis and Drafting* (Carolina Academic Press 2009) ISBN 978-1-59460-628-1 ("Kuney & Looper").

Tracy L. McGaugh & Christine Hurt, *Interactive Citation Workbook for The Bluebook: A Uniform System of Citation, 2012 Edition* (LexisNexis 2012) ("ICW").

David S. Romantz & Kathleen Elliott Vinson, *Legal Analysis: The Fundamental Skill* (2d ed., Carolina Academic Press 2009) ISBN 978-1-59460-279-5 ("Romantz & Vinson").

Recommended textbooks:

You will see recommended textbooks listed in the Fall Semester Syllabus for LRW I. While you certainly may purchase any that might appear to be particularly helpful for you, I do 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

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.

ATTENDANCE

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

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.”²

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

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>.

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>.

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.

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.

WEEKLY REQUIREMENTS AND SCHEDULE

WEEK 1 January 14, 2012 (one hour of writing instruction)

Class Discussion Topics

Overview of the semester
Introduction of Trial Brief assignment and advocacy
Introduction of Client Letter Drafting

Readings to Prepare for Class

Joseph M. Williams & Gregory G. Colomb, *Client Communications: Delivering a Clear Message*, 12 No. 2 Persp.: Teaching Legal Research & Writing 127 (2004), available on Westlaw. Type the following “West citation form” into the search box: 12 No. 2 PERSPEC 127

Kuney: Chapter 4

(We will likely not discuss these readings until class 3, but you can read ahead, if you want.)

Upcoming Assignments

Writing

Instructions for the Client Letter assignment will be distributed in class this week. Begin work on this assignment, which will be due at the beginning of Class, Week 4.

The Trial Brief assignment packet will also be distributed in the first class this week. You will need the information in this packet for the Client Letter assignment.

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 Trial Brief and most related assignments this semester. If you have not chosen by 1:00 p.m. on Saturday, January 28, I will assign you a client. I will post the client assignments on the course TWEN site.

CM2 Feedback

Please contact me if you would like to set up an appointment to discuss your CM2. I will assume that you have seen my feedback on that assignment when I grade the assignments this semester, and I will mark down for problems repeated in assignments this semester that you already received feedback on during fall semester.

WEEK 2 January 21, 2012 (no writing instruction)

Class Discussion Topics

All three class hours this week will be devoted to research instruction.

Assignments Due this Week

Upcoming Assignments

Writing

Client Advice Letter due at the beginning of Class on February 4.

Citation

ICW Exercise 11 assigned today

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 Trial Brief and most related assignments this semester. If you have not chosen by 1:00 p.m. on Saturday, January 28, I will assign you a client. I will post the client assignments on the course TWEN site.

WEEK 3 January 28, 2012 (one hour of writing instruction)

Class Discussion Topics

Client letter Drafting
Statutory Interpretation

Readings to Prepare for Class

Client letter assignment
Brief cases for letter assignment
Kuney: Review Chapter 1, pages 3-14

Assignments Due this Week

Citation
ICW Exercise 11 due at 1:00 p.m. today

Upcoming Assignments

Writing
Client Advice Letter due at the beginning of Class on February 4.

Citation
ICW Exercise 15 assigned today

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 Trial Brief and most related assignments this semester. If you have not chosen by 1:00 p.m. on Saturday, January 28, I will assign you a client. I will post the client assignments on the course TWEN site.

WEEK 4 February 4, 2012 (one hour of writing instruction)

Class Discussion Topics

Introduction to the Multi-state Performance Test (MPT) and the Distance Learning Weekend Assignment

Readings to Prepare for Class

Review interoffice memorandum notes from last semester
Review feedback on CM1 and CM2

Assignments Due this Week

Writing

Client letter due in hard copy at the beginning of class today.

Citation

ICW Exercise 15 due at 1:00 p.m. today

Upcoming Assignments

Writing

MPT assigned today and due electronically by 1:00 p.m. on Saturday, February 25.

Citation

ICW Exercise 4 assigned today

WEEK 5 February 11, 2012 (no writing instruction)

Class Discussion Topics

All three class hours this week will be devoted to research instruction.

Assignments Due this Week

Citation

ICW Exercise 4 due at 1:00 p.m. today

Upcoming Assignments

Writing

MPT due at 1:00 p.m. on February 25

Citation

ICW Exercise 14 assigned today and due at 1:00 p.m. on February 25

Notes

No class meeting next weekend. Enjoy your distance learning experience!

WEEK 6 February 18, 2012

DISTANCE LEARNING WEEKEND

Upcoming Assignments

Writing

MPT due by 1:00 p.m. on February 25

Citation

ICW Exercise 14 due by 1:00 p.m. on February 25

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WEEK 7 February 25, 2012 (two hours of writing instruction)

Class Discussion Topics

Motion practice
Introduction to advocacy
 Purpose and tone
Trial brief
 Burdens of Proof
 Local Rules/Expectations
 Format

Readings to Prepare for Class

Kuney Chapter 6

Assignments Due this Week

Writing

MPT due electronically by 1:00 p.m. today

Citation

ICW Exercise 14 due at 1:00 p.m. today

Upcoming Assignments

Writing

Local rules Quick-turn around exercise (QTA) assigned today and due via email by

Wednesday, February 29 at 6:00 p.m.

Begin research for the Trial Brief

Trial Brief due on April 14

Citation

ICW Exercise 10 assigned today

Notes

Tutorial sign-up sheets will be posted on TWEN next week. I will send an email telling students when sign-up sheets are posted.

No class next week. Enjoy Spring Break.

**DRAFT DUE DATES FOR ICW and Writing Assignments
Spring Semester 2012**

CLASS	DATE	ICW EXERCISES ASSIGNED	ICW EXERCISES DUE	OTHER MAJOR DEADLINES
1	1/14			
2	1/21	Ch. 11		
3	1/28	Ch. 15	Ch. 11	Deadline to choose client: 1:00 p.m. today
4	2/4	Ch. 4	Ch. 15	Client letter due today
5	2/11	Ch. 14	Ch. 4	
6*	2/18			
7	2/25	Ch. 10	Ch. 14	MPT due today
BREAK				
8	3/10	Ch. 17	Ch. 10	
9	3/17		Ch. 17	Research Log due 3/14 Alpha Tutorials this weekend
10	3/24			Advocacy Exercise due 3/21 Beta tutorials start this weekend and continue next week
11	3/31			Beta tutorials this weekend and next week
BREAK				Beta tutorials during week following Easter Sunday
12	4/14			Trial Brief due today
13	4/21			Oral arguments during lunch break
	4/28			K Drafting Exercise due

*Week 6 is the distance learning weekend.