

**LEGAL RESEARCH AND WRITING I
STUDENT MANUAL and CODE OF CONDUCT**

**FALL 2013 SYLLABUS
and
COURSE MATERIALS**

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Note: This is a draft syllabus. A final copy will be distributed in the first class session. The required books and the initial reading assignment will **not** change.

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Introduction, Course Objectives and Learning Outcomes

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 three semester Legal Research and Writing program will help you develop the legal research and writing skills necessary to become a competent lawyer.

In this 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. You will learn how to provide property citations to legal authority to support your writing. You will also be introduced to letter writing.

Importantly 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 the first year.

Learning Outcomes

Upon completion of your first two semesters of Legal Writing 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

Fall 2013 Required Texts

Below are the required texts for Fall 2013, along with the abbreviation used in the syllabus:

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

The Bluebook: A Uniform System of Citation (19th ed. 2010) The Harvard Law Review Association ISBN 0-615-36116-1

Tracy L McGaugh & Christine Hurt, Interactive Citation Workbook for The Bluebook: A Uniform System of Citation (2013 Edition) Lexis ISBN 9780769864488 (“Interactive”)

Additionally, you will need to purchase a subscription to *Core Grammar for Lawyers*, available at www.coregrammarforlawyers.com. (“Grammar”)

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The Ten (or so) Commandments of Legal Writing

I. Thou Shalt Ask Questions

You will undoubtedly run into questions as you begin to master this new form of communication we call Legal Writing. I am always willing to answer questions, but you must take the first step. I hold regular office hours and I try to quickly respond to email questions.

II. Thou Shalt Endure Hardships

Some students start legal writing thinking that, because they have performed well in writing classes and on writing assignments in the past, they will naturally do so in Legal Writing without much effort. However, legal writing differs from other types of writing in many ways. Be prepared to struggle as you learn legal writing structure and format.

III. Thou Shalt Attend Class

Class attendance is very important because we will cover precisely what is necessary to create the assigned legal documents. Further, we will discuss the specifics of the facts and law that are applicable to your writing assignments; these can only be discussed in class.

IV. Thou Shalt Retain Ownership of One's Paper

While I will be providing you with guidance as you create your memorandums and briefs, both in-class and individually through written feedback, always remember that you are the owner of your paper and ultimately responsible for the content.

V. Thou Shalt Turn in Assignments on Time

Meeting deadlines is an important part of being an attorney. Missing a deadline by even one day can cost your client her case and result in a malpractice claim against you. The deadlines and procedures for turning in assignments are set forth in this document.

VI. Thou Shalt Proofread

This course will focus on legal analysis. However, presenting your ideas clearly and professionally is also very important. Required exercises will review writing skills. Ultimately, it will be up to you to set-aside sufficient time to thoroughly proofread, revise, and edit your writing. The assignments in this course are likely to take you much longer than you first estimate.

VII. Thou Shalt Conduct Oneself in an Ethical Manner

Legal Writing, like the practice of law, relies upon ethical rules to guide conduct. The pertinent ethical rules regarding plagiarism, unauthorized assistance, and misuse of materials are set forth in the Code of Conduct, contained within this document. You are responsible for knowing the content of the code.

VIII. Thou Shalt Not Distract Other Students

Laptop, tablets, and phones can be a useful tool in a writing course. Please refrain from downloading email, surfing the web, or conducting other non-course related activities on your electronic devices, as these activities may distract fellow students. Also, please make sure your cell phone ringer is turned-off during class.

IX. Reserved for Future Student Indiscretions

X. Ditto

ATTENDANCE

Class attendance is crucial to your understanding of the material. While the texts are helpful, they do not (and cannot) focus on the facts and analysis that pertain to our individual class problems. It is the lectures, discussions, and writing assignments we do in class which will primarily prepare you to write the assignments.

You are required to attend all Legal Research and Writing classes and to participate in class discussions and exercises. Excessive absence will be penalized. Excessive absence is defined as missing more than three classes per semester. Four points will be deducted from your final point total at the end of the semester for each absence after the first three absences.

For the purposes of this rule, each class missed is considered one class, regardless of the length of the class or whether it is a tutorial/live grading session or is taught by me, a teaching assistant, a librarian, or is an electronic research training session. Arriving significantly late for class or leaving early is considered an absence. There are no excused absences.

TECHNOLOGY POLICES AND PROCEDURES

Laptop Policy

You may utilize your laptop or tablet in class for note taking and, on occasion, I may ask you to research during class. Laptop or tablet usage must not distract your classmates and you should refrain from searching the Internet and access e-mails. Distractive behavior will result in the loss of privileges.

Cell Phones

Please turn your cell phone ringer off during class and refrain from texting during class.

E-mail

I encourage you to contact me via e-mail when you have questions and e-mail has become the most common method by which students ask questions. I try to always respond to e-mails within 24 hours. E-mail requirements:

1. Make sure your e-mails are professional and avoid using slang or shorthand (i.e. no "can I c u at ur off").
2. Before asking a question regarding class procedures or rules (i.e. the due date for an assignment), please make sure you have consulted the student manual and syllabus. In addition, if time permits, see if a classmate has an answer to your question.
3. Submit specific questions, rather than general requests for review. Rather than attaching a copy of your paper with the question "is this right?" I want to see that you have reviewed your writing and have specific questions about legal structure, a choice of legal authority, a particular sentence, etc.

MEETING DEADLINES

Practicing attorneys are required to meet rigid deadlines imposed by statutes of limitations and court rules. Failure to meet these deadlines can result in lost cases and legal malpractice claims. Deadlines in this course will likewise be strictly enforced.

Just as lawyers must plan ahead to ensure that pressing deadlines for one client do not cause them to neglect their obligations to other clients, you must budget your time to ensure that deadlines for Legal Research and Writing do not cause you to neglect your other courses. You are expected to attend all other classes and to be prepared for all of your classes, even though you have deadlines to meet for Legal Research and Writing.

EXTENSIONS

Extensions for any assignment will be granted only as a result of the most exigent personal circumstances. **Requests for extensions must be made to me in writing on a Request for Extension form, available on the class website.** I will grant a request for an extension only if the student makes the request before the assignment due date or if an emergency has made it impracticable for the student to make the request before the due date. Extensions will generally be granted only for health problems or serious family issues. Extensions will **not** be granted for any of the following reasons: your computer, printer, or car malfunctioned or work obligations. If you have an emergency the day an assignment is due and think you may be unable to get to school to turn the assignment in on time, please call me, if possible. Appeals from my decision may be made to Professor Mary Trevor, Director of Legal Writing.

PENALTIES FOR LATE MAJOR ASSIGNMENTS

The following penalties will be imposed for late submission of either the Closed Memorandum 1 or the Closed Memorandum 2:

- a. Assignments submitted 9:00 a.m. but by 10:00 a.m. on the due date will have two points deducted for lateness.
- b. Assignments submitted after 11:00 a.m. on the due date, but before 9:00 a.m. the following date, will have four points deducted for lateness.
- c. Assignments after 9:00 a.m. on the day after the due date will have four additional points, or a total of eight points, deducted for lateness.
- d. Assignments submitted after 9:00 a.m. on succeeding days will have four points deducted for each additional day late. Weekend days count as additional days.

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.

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PENALTIES FOR LATE OTHER ASSIGNMENTS

You will also have numerous other research and writing assignments throughout the semester. These assignments include, but are not limited to:

1. Citation Exercises
2. Research Exercises
3. Writing and Research Assignments related to the Closed Memorandum 1 or 2.

Unless stated otherwise in the syllabus or the particular assignment sheet, penalties for late other assignments are:

- a. One point if turned in after the due date and time, but before 5:00 p.m. on the following day.
- b. Two points if turned in after 5:00 p.m. the day after the due date and two points for each subsequent day, up to the maximum allotted for the assignment.

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CALCULATION OF GRADES

Your grades in law school will likely be lower than those you received as an undergraduate. Most law students received A's and B's in college. Because these students are now being compared to one another, receiving "average" grades in law school is considered a mark of achievement in and of itself.

While law school grades are important, please focus on my written and oral comments, which will help you develop the research, analytical, and writing skills you will need to succeed in other law school courses and in the practice of law.

GRADING CRITERIA

I will consider the following factors in grading your writing assignments throughout the next two semesters:

- 1. Writing**
 - Organization
 - Clarity
 - Grammar and use of language
 - Responsiveness to audience and purpose
 - Style and tone
- 2. Analysis**
 - Understanding of and synthesis of legal issues and rules raised by 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
- 3. Research**
 - Ability to locate leading authority and relevant commentary
 - Comprehensiveness of research
 - Ability to differentiate between relevant and irrelevant source materials
- 4. Compliance with proper citation, format, and style requirements**
 - Adherence to Bluebook Citation Manual citation requirements
 - Adherence to format and assignment instructions

The grade you receive on an assignment will be determined by your ability to analyze the issues, to communicate your analysis or argument, and to support your conclusions, not by whether I agree with your legal conclusions.

Although the same factors will be evaluated on all writing assignments, the weight assigned each factor will change over the course of the year. Initially, extra weight will be given to the mechanics of sound writing and organization. As your legal research and reasoning skills improve, greater weight will be assigned to the thoroughness of your research and the rigor of your legal analysis.

Details are important and are considered in evaluating writing assignments. Mistakes in citation form, spelling, or grammar may lead readers to question your competence and therefore ignore your legal analysis. Proofread carefully.

Compliance with format and style requirements is also important. In practice, a failure to comply with such requirements in legal practice can result in serious sanctions. An exhaustively researched, well-organized, and meticulously written brief may be returned to you or disregarded by a court because you exceeded a page limit or used the wrong type or margin size. Making compliance with format and style requirements a habit now may save you considerable embarrassment and pain as a practicing attorney.

I will be selective when commenting on your writing assignments and not comment on every error. I may forego commenting on small errors to focus your attention on problem areas that require more immediate improvement. An error may only be marked at the first place it appears with the expectation that you will correct other, similar errors.

CALCULATING FINAL GRADES

Final grades are calculated at the end of each semester. Final grades in each Legal Research and Writing section are curved to ensure fairness. Thus, the average final grade for the weekend Legal Research and Writing section will fall close to the average final grade for the first-year class as a whole in Legal Research and Writing. For example, if the average final grade for the first-year class in Legal Research and Writing is 3.00, calculated on a 4.00 scale, then the average final grade for each Legal Research and Writing section would most likely fall between 2.8 and 3.2.

I will curve grades by comparing the total number of points received by students within the class. Point values for the fall (**Total points for the semester TBD**):

Citation Assignments (two points each)	TBD
Research Assignments	TBD
Memorandum Writing Exercises (two points each)	8
Rule of Law Assignment	
Case Illustration Assignment	
Argument Assignment	
Rough Draft/ Closed Office Memorandum 2 Tutorial	
Closed Office Memorandum 2 Tutorial	4
Closed Office Memorandum 1	10
Closed Office Memorandum 2	30
Exam	<u>25</u>
Total	TBD

Additional assignments and/or quizzes may be added at my discretion.

All graded assignments will be given only a point total. Do not panic if you only receive a below average score on an assignment. While such a score indicates that your work needs substantial improvement, it does not necessarily mean that you are at risk of failing the course. I will calculate the median grade for each assignment to help you determine your relative class standing. You are required to complete all assignments.

FORMAT REQUIREMENTS FOR CLOSED MEMORANDUM 1 AND 2

Follow the following format requirements when creating and submitting your assignments. Even though the assignments will be turned in electronically you are still required to ensure that the printed version meets these requirements. Failure to follow the requirements may result in a reduction in points.

Format Requirements

1. **COVER SHEET (does not count in the word limit):**
 - a. Assignment title
 - b. Exam Number or Name (as required by the assignment)
 - c. Due date
 - d. Instructor's name
2. **FONT:** Times New Roman, twelve point
3. **MARGINS:** Each typed page must have one-inch margins on both sides, top and bottom.
4. **TYPE:** Fully double-spaced, except the following, which should be single-spaced:
 - a. The caption
 - b. Question Presented
 - c. Brief Answer
 - d. Block quotations are single-spaced
 - e. Block quotations are indented from the margins
5. **CITATIONS:** In accordance with the Bluebook Citation Manual.
6. **WORD LIMITS:** Each assignment will have a word limit. Every word document counts towards this limit. The number of words in the document will be checked using the word count function in Microsoft Word. Exceeding the word limit will result in a penalty.
7. **PAGINATION:** Each page of text, beginning with the second, must be numbered. The page number must be centered and be approximately one inch from the bottom of the page.

WHERE TO SEEK ASSISTANCE

On Writing Assignments

Questions regarding your writing assignments – proper structure, which cases to select, arguments to make, etc. should be directed to me. Any question regarding an item that might end up in your writing assignment should be directed to me rather than a teaching assistant. You may ask questions via email, in-person, or via phone.

On Citations, including Exercises

If you have a question regarding a citation or research exercise you should contact your Teaching Assistant. The Teaching Assistants will hold regular office hours and be available via email. If there is a technical or other problem with an exercise the Teaching Assistant will contact me.

Additional Assistance – Librarians

The law librarians are available to help you complete research tasks, both for research exercises and for your writing assignment. You will have the opportunity to meet many of the law librarians through the in-class librarian lectures.

Additional Assistance – Academic Success

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.

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Course Website

The website is located at <http://www.lexisnexis.com/lawschool/>. The course is run through a service of LexisNexis and Blackboard.com. When you reach this site, you will need to login using your Lexis password. If you have registered your Lexis ID, you should already be enrolled and have access to the website prior to the second class meeting. **If not, contact me immediately.**

The following is a brief index to some of the sections of the website:

Announcements

Will include important class information not contained in the syllabus, such as changes to the class schedule or assignments.

Assignments

The class problems that you will be analyzing.

Lectures

The class notes I prepare for the lectures.

Course Information

Contains a copy of the course syllabus and other important course documents, including samples of past student memorandums and an annotated memorandum,

Instructor Information

Information on how to reach me and the teaching assistants

External Links

A listing of various web links that I have put together. Included are several excellent web links for grammar and basic writing.

RESEARCH EXERCISES

This class will also instruct you in fundamental legal research skills. Fall semester, we will cover secondary sources and learn about services offered by commercial legal research vendors. For each unit, you are required to complete an online tutorial and assessment before the beginning of class. In class, we will then apply the information you learned in the online tutorial by completing hands-on exercises. Because completion of in-class exercises will depend on understanding the basics of the material when you come to class, completing the online tutorials before class time is essential.

You will then submit the in-class exercises to your teaching assistant at the end of class to receive credit.

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CITATION EXERCISES

Legal citation serves two primary purposes. First, it is an essential part of legal analysis. A citation indicates to the judge and other attorneys the source of the legal authority and directs them to where they may find that authority. Second, citation is also an important part of your professional identity. If a judge or another attorney sees inaccurate or sloppy citation, he or she may conclude that the legal analysis accompanying those citations is also sloppy or inaccurate. Poor citation damages your credibility as a professional.

The only real way to learn citation is by drafting citations. Throughout the next two semesters you will be exposed to the citation of cases, statutes, and secondary sources. You will have the opportunity to learn these rules through numerous hands-on citation exercises.

We will be utilizing the *Interactive Citation Workbook for Bluebook Citation Manual* and accompanying exercises. For each exercise set, you are required to read through the applicable chapter of the book, review the accompanying rules in the Bluebook manual, and then complete online exercises. The online exercises are found at:

<http://www.lexisnexis.com/icw/>

Information about Internet Citation Workstation can be found on the above web site.

Each citation exercise is worth two points and must be completed by the due date. Please see your syllabus for complete details as to when assignments are due.

Notes on the citation exercises:

1. You are required to complete an online intro quiz before beginning the first assignment.
2. Each particular problem may be tried three times before you are given the correct answer. Unlike the Research Assignments, you need not complete all assignments to perfection in order to receive full credit.
3. You may start a chapter, stop, and return later. Your work will be saved.
4. If you do not submit the correct answer after the three allotted attempts, you will still be given credit **if a review of your work by the Teaching Assistant shows that you are putting in a reasonable effort to find the correct answer**; if the Teaching Assistant feels otherwise, you will not be given credit for the assignment and may have additional exercises assigned
5. The citation answers are highly technical and require a precise answer to be correct; do not become frustrated if you incorrectly answer some questions, as it is part of the process of understanding and learning citation
6. After you have completed the required problems in a chapter, make sure that you both e-mail the completed assignment to your Teaching Assistant and print off the completion certificate.

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LEGAL RESEARCH AND WRITING
CODE OF CONDUCT
HAMLIN UNIVERSITY SCHOOL OF LAW

I. INTRODUCTION

Lawyers must be able to identify and resolve ethical questions. Ethical questions are not always easy to decide, however. Most ethics violations in law school and in practice arise from situations in which students or lawyers have failed to recognize ethical problems, rather than from situations in which they have intentionally engaged in wrongful conduct. A number of unique ethical questions arise in the context of Legal Writing and Legal Research classes.

For this reason, we provide you with this Code of Conduct, which elaborates on the Hamline Law School Code of Conduct for legal writing-specific situations, and with comments and illustrations concerning ethical problems that may develop in your Legal Writing and Legal Research classes. We cannot anticipate every problem, and the material below does not cover every possible situation in which problems could arise, but we hope this document will help resolve some of the questions you may have. If you are not certain whether particular conduct is or is not permissible, **please ask your Legal Writing instructor.**

II. CODE OF CONDUCT

A. Plagiarism

1. Rule

A student may not expressly or impliedly represent the work of another to be his or her own. **Intent is not a required element of plagiarism.** Negligent plagiarism also violates the Code of Conduct.

2. Commentary

Particularly in academic settings, plagiarism is a form of theft: the theft of another's ideas. The ideas may come from a printed source or from the work of a fellow student. Plagiarism is also an attempt to gain an unfair advantage over other students by representing another's written work as one's own. Further, plagiarism defeats the pedagogical goals of the Legal Writing Program. To become an excellent writer, you must do your own work and receive critique on your own work. Unless you and your instructor focus on your

work, you will not improve your own ability to research, analyze, and organize.

The following definition, based on Louis Sirico's *A Primer on Plagiarism*, 4 Second Draft 12 (1988), recognizes these concerns:

Plagiarism may be committed in three ways: (1) quoting the words of another without attribution; (2) paraphrasing the words of another without attribution; (3) using the ideas of another without attribution. To avoid committing plagiarism, adhere to the following standards:

a. When using a quotation, cite the source and use ellipses, brackets, and quotation marks scrupulously to indicate which words are your own and which are the words of another. Changing one or two words within a sentence does not eliminate the need to use quotation marks. If one or two words are inserted or omitted, use quotation marks and indicate the addition or omission with brackets or an ellipsis.

b. When paraphrasing the words of another, cite to the source. Citation is particularly important when you are relying on the work of scholars in law review articles or treatises. When paraphrasing language from a case, proper attribution will emphasize the weight and importance of the idea. Proper citation is also important for reference; your reader may want to look up the original source of your idea and should be able to easily locate the exact passage.

c. When using the ideas of a source, explicitly acknowledge the contribution made by that source to your own work. Adopting the same structure or analytical framework as a prior source will also require attribution. However, when the structure or substance of another's work may be considered a part of general legal knowledge, then it is debatable whether attribution is required. A good practice is to trace an idea to its original source and credit that source, while explaining how the idea has evolved since the original author expressed it. **The general rule is always to err on the side of giving credit.**

3. Illustrations

a. Student A finds a draft of Student B's Motion Memorandum lying on a table in the library. Student A

takes the draft and uses it as a model for sections (or all) of her own Motion Memorandum.

Student A has violated the Code of Conduct.

b. Student B writes a Motion Memorandum using the ideas and structure of a law review article he found during his research. He paraphrases the ideas and does not use any exact language from the article. He does not cite to the article.

Student B has violated the Code of Conduct.

c. Student A writes an Office Memorandum paraphrasing the ideas from several cases. She is pressed for time, so she neglects to cite to the specific pages where the ideas are discussed. Instead, she makes up page numbers.

Student A has violated the Code of Conduct.

d. Student B includes a twenty-three-word paragraph from a law review article in his Office Memorandum. He changes three words in the paragraph, but the other twenty words are the words of the original author. He does not use quotation marks, but does cite to the article, including the correct page.

Student B has violated the Code of Conduct.

e. Student A writes an Office Memorandum using several exact sentences from cases. She cites the appropriate case after each sentence but does not use quotation marks to indicate which words are taken from the cited source.

Student A has violated the Code of Conduct.

B. Unauthorized Assistance and Material

1. Rule

A student may not give, obtain, or solicit unauthorized assistance or use unauthorized material when preparing an assignment.

2. Commentary

Students need to learn effective techniques for collaborating and communicating about the law. Discussion of legal issues and

collaboration on the steps of legal research exercises appropriately allow students to share insights on how to use various materials. With respect to memoranda and briefs, however, students learn the most by writing their own work. An instructor's critique of what is essentially someone else's work will not help a student develop the writing skills needed by a lawyer. To help clarify what is permissible collaboration and what is not, we have adopted the following standards:

- a. Students in Legal Writing classes may discuss any writing assignment with any person.
- b. Students in Legal Writing classes may not do the following:
 - i. Prepare an assignment or a written outline with anyone other than their Legal Writing instructor, the Director of Legal Writing, the Director of Academic Success, or an Academic Success Tutor, except with the express authorization of their Legal Writing instructor;
 - ii. Collaborate with other students on a writing assignment by dividing research tasks or sharing the names or citations of specific cases, statutes, or secondary sources, except if such sharing is solely for the purpose of discussing a legal issue or making a legal argument;
 - iii. Look at any other student's pre-graded written work or outlines; or
 - iv. Show their pre-graded written work or outlines to anyone other than their Legal Writing instructor, the Director of Legal Writing, the Director of Academic Success, or an Academic Success Tutor, for any purpose, including proofreading, except with the express authorization of their Legal Writing instructor.
- c. This rule applies to all writing assignments, including the written work students prepare for tutorials.
- d. Students in Legal Research classes may not do the following:

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Give another student the answers to all or some of the exercises in a research class assignment.

3. Illustrations

a. Students A and B work out the organization, phrasing, and wording of the Closed Office Memorandum assignment together. Student A hands in that product. Student B paraphrases the joint effort, replacing clauses with their verbal equivalents, using thesaurus-derived synonyms, and juggling the organization here and there. Student B hands in the paraphrase. Both Student A and Student B have violated the Code of Conduct.

b. Students A and B have extensive conversations about the Closed Office Memorandum problem. They discuss how many issues the problem has, what the issues are, which facts should be emphasized, and what the assigned cases mean. They then individually and separately organize the materials and write their papers. Neither Student A nor Student B has violated the Code of Conduct.

c. Student A is pressed for time to complete the Motion Memorandum assignment and cannot find any cases on point. Student B writes a list of citations on a slip of paper and gives it to Student A. Student A uses the cases in his memorandum.

Both Student A and Student B have violated the Code of Conduct.

d. Student A is pressed for time to complete the Motion Memorandum assignment and expresses his frustration at not being able to find helpful cases in the relevant jurisdiction. Student B expresses surprise and states that she has found a number of cases. She goes on to explain the research techniques she used to find these cases.

Neither Student A nor Student B has violated the Code of Conduct.

e. Student A has procrastinated about completing the weekly research class assignment and is running out of time to complete the assignment and submit it on time.

Student B gives Student A the answer to one (or more) of the exercise questions that Student A has not gotten to.

Both Student A and Student B have violated the Code of Conduct.

C. Misuse of Materials

1. Rule

A student may not knowingly or recklessly hide or steal library materials, withdraw books or materials from the library without properly checking them out, intentionally fail to reshelve books according to library policy, or deface books or materials.

2. Commentary

Hiding, stealing, defacing, or destroying library materials is unfair to other students. Students who engage in this type of conduct are deliberately interfering with the work and careers of others. Law schools serve as gatekeepers to the profession. The law student who steals from a classmate may become the lawyer who steals from a client.



D. Unfairness

1. Rule

A student may not seek to gain an unfair advantage over another student.

2. Commentary

All of the conduct proscribed by the preceding rules violates this “catchall” rule as well. Certain other conduct in a Legal Writing course will also violate this rule.

For example, any request for an extension that misrepresents the reason for the request is an attempt to gain an unfair advantage over another student and is a violation of the Code of Conduct.

Consistent, willful evasion of page limitations on papers through the use of improper fonts, character spacing, and margins is also an attempt to gain an unfair advantage and is a violation of the Code of Conduct. In practice, courts set strict limits on the number of pages allowed for briefs and also specify the margins and fonts to be used. Courts will not accept nonconforming briefs. Students need to learn to follow technical rules early in their careers.

From time to time, Legal Writing instructors may impose additional rules as needed. For example, instructors generally encourage students to use every means of research available, just as lawyers do in practice. On some occasions, however, some limits may be appropriate. One such circumstance may arise if an assignment is based on a recent actual decision. If an appeal is pending, an instructor may establish a rule that students may not look at the briefs that have been filed with the court in the case. Violation of the instructor's rule would constitute a violation of the Code of Conduct.

III. CONCLUSION

This Code of Conduct has been provided to help you with difficult questions that frequently arise. If you have any questions regarding what is or is not permissible conduct, please ask your Legal Writing instructor or Mary Trevor, Director of Legal Writing (Room 306D, telephone number 651-523-2487, email address mtrevor@hamline.edu).

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Syllabus

IMPORTANT NOTES:

1. You must obtain your passwords for Westlaw, Lexis, and Bloomberg (research vendors) from the Hamline Law Library. You may obtain the passwords prior to the start of classes or during the first couple of days. It is important that you register your passwords as soon as they are received, and prior to our first scheduled class meeting, if possible. You will need your passwords registered to gain access to assignments and the course website.

If you have any problems obtaining or registering your passwords, contact the following:

Lexis: Jillian Kalogerson, jillian.kalogerson@lexisnexis.com

Westlaw: Laura Nelimark, laura.nelimark@thomsonreuters.com

Bloomberg: Jed Lewin, jlewin3@bloomberg.ne

Hamline Law Library: Librarians Barb Kalluskey or Meg Koltas

2. The syllabus is organized per week. All reading assignments should be completed prior to the first class session.

The reading assignments will often consist of only a portion of a particular chapter, to tie in with course development and that week's class topic, so check the reading assignment carefully.

8/23

Reading Assignments:

Kuney, Introduction (pp. XXV-XXVI), Ch. 1 (3-11), Ch. 5 (87-89)
Interactive, *Using the Interactive Citation Workbook* (pp. ix-x)

Class Topics:

Introduction to Legal Writing.

- Overview of the course. Description of classes, books, goals, and policies of the course.
- Discussion of the legal system, including the court system, the sources of the law, and the interaction between the sources of the law.

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

1. Online Intro Quiz for the citation exercises – to be completed by Thursday 8/29