
 **LEGAL RESEARCH AND WRITING III** 
Weekend
SYLLABUS
Fall 2008

Professor Kelly B. Mickelson
Class Time: 1:15-2:30pm

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Email: kmickelson04@gw.hamline.edu

TWEN site course name: Legal Research and Writing III

Introduction and Course Objective

Welcome to Legal Research and Writing III. I know we will have a great semester and I am very pleased to be your instructor for this class.

I have planned a fairly aggressive schedule and set of expectations for you this semester because this is your third and final semester of legal research and writing. I firmly believe that the hallmark of effective representation of clients is the ability to perform sound legal research and write persuasive, eloquent documents. Throughout this course, we will focus heavily on reiterating basic legal research concepts, as well as introducing many advanced legal research techniques. Our other primary focus will be fine-tuning the legal writing skills that you have developed so far, while branching out and learning how to draft several different types of legal documents.

I encourage your feedback throughout the semester. Please do not hesitate to call or email if you should need any assistance whatsoever. I am always available to you.

More about Me

I am currently a Manager of Academic Product Development at Thomson Reuters. I have been employed with Thomson Reuters for the past six years in varying capacities. I am primarily responsible for the creation and maintenance of new features on lawschool.westlaw.com.

I have previously taught at the University of Minnesota Law School in the Legal Research and Writing program. Also, I served as an Academic Success Program tutor & mentor to first year law school students here at HUSL. I also teach a bar review course here in the spring semester.

I also have previous teaching experience as a Technical Writing Instructor at Vanderbilt University in Nashville, TN.

I have worked for the U.S. Attorney's Office in Brooklyn, the FBI in Tampa, the Legal Aid Society (Capital Defenders Unit) in Manhattan, and for a juvenile court judge in Florida.

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Classrooms

Unless otherwise noted, all classes and events will occur in the Law School, Room 101.

Textbooks

Required textbooks

Mary Beth Beazley, *A Practical Guide to Appellate Advocacy* (2d ed. 2006)

The Bluebook: A Uniform System of Citation (18th ed. 2005)

Alan L. Dworsky, *The Little Book on Oral Argument* (1991)

Readings assigned throughout the semester are mandatory. From time to time, I reserve the right to assess whether you have read the material by calling on you in class or by having a quick ‘pop-quiz’ at the beginning of class to gauge your comprehension of the reading.

Reminder:

All other textbooks previously assigned throughout LRW I and II will likely be useful to you in this course as well, though specific reading assignments will not be featured in this syllabus.

Use of TWEN site

We will use our TWEN site almost exclusively for the distribution of class materials and other communications. I also frequently use the Discussion and Live Discussion tools on the site. You are charged with the responsibility of reading the contents of every posting on TWEN.

Use of Laptops

Use of a laptop and a wireless connection will be required in every class as we will use technology and online legal research systems throughout the duration of the course. However, I will not tolerate the use of the laptop to surf the web or do any other activities not related to our class discussion. If I come to know that you are using the laptop inappropriately, I reserve the right to deduct up to 10 points from your semester point total.

Attendance

You are required to attend all Legal Research and Writing classes and to participate in class discussions and exercises. Penalties for missed classes are as follows:

1st missed class:	No points deducted
2nd missed class:	5 points deducted from the semester total
3rd missed class:	8 points deducted from the semester total
4th missed class:	11 points and your name may be sent to the Dean's office with a recommendation that you be withdrawn from the course.

For the purposes of this rule, each class missed is considered one class, regardless of the length of the class. There are no excused absences.

The provisions of the Student Manual and the Code of Conduct, distributed in the first semester, apply to all facets of this semester. These documents are available on the course website. In the event that the Student Manual and/or Code of Conduct conflict with this document, this document shall apply.

Class Participation

It is imperative that our class be collaborative and welcoming of meaningful group discourse. Therefore, I encourage you to participate in all activities and class discussions. To that end, I reserve the right to increase or decrease your overall semester point total by five (5) points based on your class participation and preparedness.

Calculating Final Grades

Final grades are calculated at the end of the semester. Final grades 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.

Turning In Assignments

You will submit your assignments exclusively through the Assignment Drop Box on TWEN.

Extensions

Extensions will be granted only as a result of the most exigent personal circumstances. Requests for extensions must be made by contacting the Director of the Legal Research and Writing Program, Professor Mary Trevor, either in person (Law School, Room 306D), by telephone (651-523-2487), or by email (mtrevor@hamline.edu). The Director may 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 not be granted for any of the following reasons: your computer, printer, or car malfunctioned; the roads were bad, etc. The Director will make extension decisions in her sole discretion. 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 the Director of Legal Writing if at all possible.

If you contact Professor Trevor for an extension, please copy me on the request. Thank you.

Penalties for Late Assignments

The penalties for late submissions of major writing assignments* are as follows:

1. Assignments uploaded to the TWEN site after 1:15pm on the due date, but before 9:00 a.m. the following day, will have four points deducted for lateness.
2. Assignments uploaded to the TWEN site 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.
3. Assignments uploaded to the TWEN site after 9:00 a.m. on succeeding days will have four points deducted for each day late.

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

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

Semester Point Totals

Arbitration Exercise

Research Journal	Good Faith Pass/Fail basis
Client Letter	45

ADA Exercise

Research Journal	Good Faith Pass/Fail basis
Building Blocks of Brief	Good Faith Pass/Fail basis
Brief	75
Oral Argument	30
Negotiation Exercise	20

Exams

Legal Research Exam	30
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<u>Total</u>	200
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General Overview of Assignments

Research Journals

Prior to your submission of both writing assignments, you will submit a research journal that should illustrate the roadmap of your argument and will include legal research to support your arguments. These journals are not “outlines” in the truest sense of the word – they must include all issues, all rule synthesis, all analysis and all conclusions that the student plans to include in the final draft of the upcoming assignment.

Client Letter

Your first writing assignment will be a client advice/opinion letter. In addition to communicating with other lawyers, lawyers must communicate with clients, and they often do so by letter. This assignment will require you to use your writing skills to explain your assessment of the strengths and weaknesses of a case to a non-legal audience. This is usually an eye opening experience for beginning law students, as it is amazing how much you have learned in such a short period of time and how quickly you forget how it feels to write for a lay audience.

Persuasive Brief

Your second writing assignment will be a Persuasive Brief. This assignment will require you to use research, analysis, and writing skills to persuade a court to adopt your client’s position on two or more issues of law. The Persuasive Brief assignment will be based on a mock case record from which you must extract the relevant facts and legal issues.

Oral Argument

All students will participate in an Oral Argument exercise, which will be based on the brief problem. For the Oral Argument, you will represent the same party you represented in the brief. You will have a co-counsel for this exercise. Two other students will represent the opposing party.

Negotiation Exercise

The last exercise of the semester will feature all students participating in a negotiation exercise, which again will be based on the brief case record. The negotiation session will simulate a negotiation session between parties, with each side receiving a set of confidential instructions for the exercise. For this exercise, you will represent the same party you represented in the brief.

Grading Criteria

I will consider the following factors in grading your writing assignments:

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 the assignment
- Application of legal authority and commentary to assigned facts
- Ability to define and isolate issues
- Persuasive and accurate use of the facts
- Ability to deal effectively with adverse authority

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 requirements
- Adherence to format and assignment instructions

Format of Writing Assignments

All writing assignments must meet the format requirements below (unless I instruct you otherwise):

FONT:	Times New Roman, twelve point
MARGINS:	Each typed page must have one-inch margins on top, bottom, and both sides.
TYPE:	Fully double-spaced, except that block quotations are single-spaced and indented from the left and right margin.
CITATIONS:	<i>In accordance with the <u>Bluebook Citation Manual</u>.</i>
PAGE LIMITS:	Each assignment will have a page limit. Some pages of each assignment will not count towards the page limit. Please follow individual assignment instructions carefully to avoid point deductions.
PAGINATION:	Each page of text must be numbered.

Weekly Assignments & Discussions

Weekly assignments are subject to change, although I will always give you plenty of notice to make/change your plans accordingly.

Week One: August 16, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Welcome and Introduction

Administrative Matters

Survey Results

Discuss the Arbitration Client Letter exercise

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Read the Client Letter fact pattern (posted on the TWEN website)

ASSIGNMENTS DUE THIS WEEK

Conduct preliminary research on the substantive questions asked in the Client Letter exercise

Week Two: August 23, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Discussion regarding preliminary research

Bluebook – Introduction & Comparison to ALWD

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Review Bluebook and ALWD comparison materials

Skim the Bluebook to become familiar with its major components

ASSIGNMENTS DUE THIS WEEK

N/A

August 30, 2008 – NO CLASS

Week Three: September 6, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Client Letter Writing

Specific Grading Criteria for the Client Letter

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Ray & Cox, Chapter 15

ASSIGNMENTS DUE THIS WEEK

Research Journal due this week, September 6, 2008, 1:15pm

Week Four: September 13, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Client Letter Writing

Legal Research Training

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

N/A

ASSIGNMENTS DUE THIS WEEK

N/A

Week Five: September 20, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Begin discussion regarding Brief Case Record
Cost Effective Online Legal Research

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Read Chapter 1, 2 and 3 (Beazley)
Read the entire Brief Case Record

ASSIGNMENTS DUE THIS WEEK

Client Letter due this week, September 20, 2008, 1:15pm

Week Six: September 27, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Case Record Discussion

Legal Research Training

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Read for this class Chapter 4 & 5 (Beazley)

ASSIGNMENTS DUE THIS WEEK

N/A

Week Seven: October 4, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Formatting Rules

Building the blocks that will comprise your brief

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Read for this class Chapter 8 & 9 (Beazley)

Review Sample Brief

ASSIGNMENTS DUE THIS WEEK

Research Journal due this week, October 4, 2008, 1:15pm

Week Eight: October 11, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Formatting rules

Review of Sample Brief

Building the blocks that will comprise your brief

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Read for this class Chapter 10, 11 and 12 (Beazley)

ASSIGNMENTS DUE THIS WEEK

N/A

October 18, 2008 – NO CLASS

Week Nine: October 25, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Last Q&A regarding the brief assignment
Simulated MPT Exercise

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Read for this class Chapter 6 and 7 (Beazley)

ASSIGNMENTS DUE THIS WEEK

Building blocks of brief due this week, October 25, 2008, 1:15pm

Week Ten: November 1, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Peer Review Exercise

In-Class Exercise TBD

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

N/A

ASSIGNMENTS DUE THIS WEEK

Persuasive Brief due this week, November 1, 2008, 1:15pm

Please send electronic copies of your brief to opposing counsel and co-counsel on November 1, 2008, between 1:00pm-1:15pm

Week Eleven: November 8, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Oral Argument Discussion

Work with partner to prepare strategy for Oral Argument

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Read Chapter 13 (Beazley)

Read your opponents' briefs & co-counsel's brief

Read "The Little Book on Oral Argument"

ASSIGNMENTS DUE THIS WEEK

N/A

Week Twelve: November 15, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Oral Arguments

No formal class this week

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

N/A

ASSIGNMENTS DUE THIS WEEK

N/A

Week Thirteen: November 22, 2008

IN-CLASS ACTIVITIES and DISCUSSIONS

Negotiation Sessions

No formal class this week

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Instructions for Negotiation Sessions

ASSIGNMENTS DUE THIS WEEK

Negotiation Preparation Plan due this week, November 22, 2008, 1:15pm