

# **LEGAL WRITING SYLLABUS, SPRING 2009**

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## **Legal Writing Sections D and G**

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### **COURSE OVERVIEW**

The spring semester of Legal Research and Writing focuses on developing your written and oral advocacy skills. The first two 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 in the fall for the whole year, for more detailed course requirements and information, including, *inter alia*, 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 via e-mail, telephone, or by stopping by my office. Contact information can be found above.

#### Weekly Assignments

As in the fall, please complete the required reading assignments before the first class of 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

The graded assignments this semester are: Client Letter, Advocacy Exercise, Appellate Brief, and Appellate Oral Argument. The materials in the Appellate Brief assignment packet will form the basis for all of these assignments. The packet and the Client Letter assignment instructions will be distributed in your first class meeting of the semester: Wednesday, Jan. 19. The Client Letter will be due two weeks later at the start of your first class meeting of Week 3 (the week of Feb. 2). The Advocacy Exercise assignment instructions will be distributed during Week 2 and the Exercise will be due at the Alpha tutorial for the Appellate Brief. The Appellate Brief will be due at the Registrar's Office by 11:00 a.m. on Monday, March 9 (Week 8). The graded Appellate Oral Arguments will be scheduled by sign-up during Week 7 and presented during Weeks 11-12.

I will announce in class when and how the graded assignments will be returned to you. After you receive your graded assignment, please review my comments carefully and arrange to meet me if

you have any questions. Please allow at least one week's time after receiving your assignment before scheduling a meeting with me to discuss your grade.

#### Class Meetings and Tutorial

As in the fall, each Legal Writing class is scheduled to meet for two hours per week. But, as you did in the fall, please check the syllabus entry for each week carefully because the schedule will vary during many of the weeks. Please note that the syllabus is intended to serve as a guide to the material to be 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 one set of tutorials this semester, the Alpha and Beta tutorials for the Appellate Brief. Tutorial scheduling will again be done through the sign-up sheets on the TWEN site.

### **RESEARCH LABS**

There will be no research labs this semester. One or two optional refresher lectures about on-line research, conducted by representatives from Westlaw and/or Lexis (depending on availability) may be offered.

### **TEXTBOOKS**

#### Required textbooks:

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

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

*The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 18th ed. 2005).

Anne Enquist & Laurel Currie Oates, Just Writing: Grammar, Punctuation, and Style for the Legal Writer (2d ed. 2005) (Just Writing)

Linda H. Edwards, Legal Writing: Process, Analysis, and Organization (4th ed. 2006) (Edwards)

#### **\*New for Spring Semester**

In addition, I have a list of recommended texts that I am happy to share with you if you are interested in consulting other sources.

## **TWEN SITE**

As in the fall, I will continue to use the online TWEN (The West Education Network) site to post course materials. I will also use the site to send group and individual course-related emails, and to conduct sign-ups for course activities. Please update your contact information on the TWEN with any changes. Remember to check the site and your email regularly so you do not miss any important information.

## **COMMUNICATION**

You may contact me in person at my office, Law/Grad 306B; by phone at (651) 523-2645 (office), (507) 202-0794 (cell); by email at [kholst01@hamline.edu](mailto:kholst01@hamline.edu); or on the TWEN site. Before the semester starts, email is best. Once the semester starts, I will have office hours by appointment, but please feel free to email, phone, or stop by any time. During tutorial and grading periods, my office hours will be more limited than usual, but you are welcome to phone or email to ask a question or set up an appointment.

## **CLASSROOM ETIQUETTE AND LAPTOP POLICY**

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 professionally required that you demand professional behavior of your classmates in and out of class.

Technological devices, in particular, can be distracting to your classmates and me and thus undermine that goal. Accordingly, during class, in addition to usual courtesies, refrain from text or instant messaging and email; using cell phones, pagers, or any other communication device; refrain from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates.

Behavior that interferes with the learning ability of your classmates will be sanctioned accordingly.

**WEEK 1      Week of January 17, 2009—One Class Hour**

**Class Discussion Topics**

Letter writing  
Motion practice  
Appellate Brief assignment  
Review Research Strategies

**Assignments, Tutorials, and Notes**

**Required Readings:**

Handout:

Wayne Schiess, *Writing for the Legal Audience* 33-44 (2003). Chapter 4: Writing to the Email Recipient—**a copy will be placed in your campus mailbox in late December.**

Linda H. Edwards, *Legal Writing and Analysis* 143-55, 329-33 (2d ed. 2007). Chapter 13: Writing Professional Letters, Appendix D: Sample Letters—**a copy will be available on TWEN in late December.**

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).**

**Writing Assignment:**

Instructions for the Client Letter assignment will be distributed in class this week. Begin work on this assignment, which will be due at the start of the first class of Week 3.

The Appellate 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.

**Research Assignment:**

Begin research on the Appellate Brief assignment.

**Notes:**

Law school classes begin on Tuesday, January 18, 2009. Check Piperline to confirm the time and room for class.

**WEEK 2      Week of January 21, 2009—Two Class Hours**

**Class Discussion Topics**

Letter writing (continued)  
Persuasive writing  
    Purpose and tone  
    Types of persuasive writing  
Appellate Brief assignment (continued)

**Assignments, Tutorials, and Notes**

**Required Reading:**

Appellate Advocacy, Chapters 1-3, 10, 11 (pp. 179-97 only)

**Recommended Reading:**

Edwards, Chapters 16, 18 (pp. 278-83 only)

**Writing Assignment:**

Work on the Client Letter assignment, due at the start of the first class of Week 3 (next week).

Advocacy Exercise (due at the Alpha tutorial) distributed this week in class

**Research Assignment:**

Continue research on the Appellate Brief assignment.

**Notes:**

Sign up on the TWEN site this week by 5:00 p.m. on Tuesday, January 27 to choose which client you will represent for the assignments this semester. If you do not sign up or have no preference, you will be assigned to a party by Noon on Wednesday, January 28. Directions will be given in class.

**WEEK 3      Week of February 2, 2009—Two Class Hours**

**Class Discussion Topics**

Persuasive writing (continued)  
Appellate Brief assignment (continued)  
Appellate Brief  
    Introduction                      Argument  
    Format                              Point Headings

**Assignments, Tutorials, and Notes**

**Required Reading:**

Appellate Advocacy, Chapters 4-5, 6 (pp. 77-97 only), 8, 9 (pp. 155-61 only)

**Recommended Reading:**

Edwards, Chapters 17-19, 20 (pp. 307-15)

**Writing Assignment:**

The Client Letter assignment is due at the start of the first class this week.

Work on the Advocacy Exercise assignment, due at your Alpha tutorial.

**Research Assignment:**

Continue research on the Appellate Brief assignment.

**Notes:**

Please turn in your Client Letter Assignment at the beginning of the class period on Monday, February 2.

Tutorial sign-ups will be posted on the TWEN site this week at a date and time TBA.

**WEEK 4      Week of February 9, 2009—Two Class Hours; Alpha Tutorials**

**Class Discussion Topics**

Appellate Brief assignment (continued)  
Appellate Brief  
    Statement of the Issues                      Summary of the Argument  
    Statement of the Case                        Tables  
    Statement of Facts                            Conclusion

**Assignments, Tutorials, and Notes**

**Required Reading:**

Appellate Advocacy, Chapter 9 (pp. 133-55 only)

**Recommended Reading:**

Edwards, Chapters 20 (pp. 316-22 only), 21

**Writing Assignment:**

Work on the Advocacy Exercise assignment, due at the Alpha tutorial.

**Research Assignment:**

Continue research on the Appellate Brief assignment.

**Tutorials:**

Alpha tutorials begin this week. Prepare and bring the following to your Alpha tutorial:

Advocacy Exercise  
Draft Statement of the Issues  
Draft outline of Argument section  
Research Status Report  
Questions

**Notes:**

Please remember that each tutorial is worth four points, and you must come prepared to the tutorial to receive the points.

**WEEK 5      Week of February 16, 2009—No Class Hours; Alpha Tutorials**

**Class Discussion Topics**

No class this week

**Assignments, Tutorials, and Notes**

**Required Reading:**

Appellate Advocacy, Chapter 7; Review Chapter 10

**Recommended Reading:**

Edwards, Chapter 22

**Tutorials:**

Alpha tutorials continue this week. Prepare and bring the following to your Alpha tutorial:

Advocacy Exercise  
Draft of Issues Presented  
Draft outline of Argument section  
Research Status Report  
Questions

**Notes:**

Please remember that each tutorial is worth four points, and you must come prepared to the tutorial to receive the points.

**WEEK 6      Week of February 23, 2009—Monday Class Only; Beta Tutorials**

**Class Discussion Topics**

Appellate Brief assignment (continued)  
Citation and Writing Skills

**Assignments, Tutorials, and Notes**

**Writing:**

Please bring two (double spaced) copies of Appellate Brief assignment (which sections TBA) to Monday class period for peer review exercise.

**Required Reading:**

Appellate Advocacy, Chapters 6 (pp. 98-107 only), 11 (pp. 197-204 only), 12; Appendix A (Citation Form and Punctuation Information)

**Recommended Reading:**

Just Writing, Chapters 8 & 9

**Tutorials:**

Beta tutorials begin this week. Prepare and bring the following to your Beta tutorial:

Draft of Point Headings  
Drafts of Statement of the Case and Statement of Facts  
Full draft of Argument section  
Draft of Table of Authorities  
Questions

**Notes:**

Classes will meet for the first class hour only this week.

Please remember that each tutorial is worth four points, and you must come prepared to the tutorial to receive the points.

**WEEK 7      Week of March 2, 2009—No Class Hours; Beta Tutorials**

**Class Discussion Topics**

No class this week

**Assignments, Tutorials, and Notes**

**Required Reading:**

No new reading assignment this week.

**Tutorials:**

Beta tutorials continue this week. Prepare and bring the following to your Beta tutorial:

- Draft of Point Headings
- Drafts of Statement of the Case and Statement of Facts
- Full draft of Argument section
- Draft of Table of Authorities
- Questions

**Notes:**

Please remember that each tutorial is worth four points, and you must come prepared to the tutorial to receive the points.

Sign up this week for practice and final oral arguments. Instructions will be given in class or on the TWEN site.

The Appellate Brief is due next week.

**Week 8      Week of March 9, 2009—Wednesday Class (Possible time change);  
Additional class to be scheduled to view oral argument demonstration**

**Class Discussion Topics**

Oral Advocacy

**Assignments, Tutorials, and Notes**

**Required Reading:**

Appellate Advocacy, Chapter 13

**Recommended Reading:**

Edwards, Chapter 23

**Writing Assignment:**

Appellate Brief due at the Registrar's Office by 11:00 a.m. on Monday, March 9, 2009.

**Notes:**

Exchange briefs with your final oral argument opponent on Monday, March 9 as soon as possible after 11:00 a.m. Please confirm that your opponent has submitted the brief to the Registrar's Office before exchanging briefs.

Note that you will need a total of at least 2 hard copies of your Appellate Brief: one to be handed in at the Registrar's Office and one for your oral argument opponent.

Once you have turned in your Appellate Brief to the Registrar's Office in compliance with the requirements, please also submit the brief to me electronically via the assignment drop box on TWEN. Please note that the electronic submission does not count for purposes of determining the timeliness of your brief submission; only the timing of the submission to the Registrar's Office counts.

Classes this week and/or next may be rescheduled to accommodate an oral argument demonstration. I will announce any changes as far ahead as I can.

**WEEK 9      Week of March 16, 2009—Two Class Hours (possible time change)**

**Class Discussion Topics**

Oral Advocacy (continued)

**Assignments, Tutorials, and Notes**

**Required Reading:**

Little Book on Oral Argument

**Notes:**

Mandatory practice oral arguments begin the week following spring break.

Classes this week may be rescheduled to accommodate an oral argument demonstration.  
I will announce any change as far ahead as I can.

Enjoy your spring break!

**WEEK 10    Week of March 30, 2009—One Class Hour; Practice Oral Arguments**

**Class Discussion Topics**

Oral Advocacy

**Assignments, Tutorials, and Notes**

**Required Reading:**

No new reading assignment this week.

**Notes:**

Class will meet on Monday only this week.

Mandatory practice oral arguments begin this week.

**WEEK 11    Week of April 6, 2009—No Class Hours; Practice and Graded Oral Arguments**

**Class Discussion Topics**

No class this week.

**Assignments, Tutorials, and Notes**

**Required Reading:**

No new reading assignment this week.

**Notes:**

Mandatory practice oral arguments continue this week.

Final (graded) oral arguments will begin toward the end of this week.

**WEEK 12    Week of April 13, 2009—No Class Hours; Graded Oral Arguments**

**Class Discussion Topics**

No class this week.

**Assignments, Tutorials, and Notes**

**Required Reading:**

No new reading assignment this week.

**Notes:**

Final (graded) oral arguments continue and finish up this week.

**WEEK 13    Week of April 20, 2009—First Class Hour Only**

**Class Discussion Topics**

Debriefing on oral arguments  
Discussion of exams  
Administration of end of semester evaluations

**Assignments, Tutorials, and Notes**

**Required Reading:**

No new reading assignment this week.

**Notes:**

Classes will meet for the first class hour only this week.

I will announce in class when the graded Appellate Briefs will be available.

Honor Round oral arguments will be held on Friday, April 24, 2009. Students selected to compete in Honor Round oral arguments will be notified after the completion of all first-year oral arguments.

Congratulations on completing your first year of law school!