

LEGAL WRITING SYLLABUS
SPRING 2009
Beth Honetschlager, Legal Writing Instructor
Sections B and F

bhonetschlager@hamline.edu

651-523-2068

Office: 233W

My office hours are posted outside my office door and on TWEN.

Class Schedules

Section B: Monday and Wednesday 11:00-11:50 a.m., in Room 4.

Section F: Monday and Wednesday 4:00-4:50 p.m., in Room 4.

Introduction

During the second semester of Legal Research and Writing you will continue to improve your legal research and writing skills. This semester's focus is on advocacy, and all assignments will be based on the Appellate Brief problem. You will represent one of the parties in the dispute, and will write a letter to your client, write an appellate brief supporting your client's arguments, and present an oral argument on behalf of your client.

Each Legal Writing class will meet for two class hours per week except as otherwise indicated on the syllabus. Please note that this syllabus is intended to serve as a guide to the material to be discussed each week, and it may be modified as the semester proceeds. Not all readings will be discussed in class. Modifications of the syllabus will be announced as far in advance as possible.

Please do the required reading and required writing assignments before the first Legal Writing class of the week for which they are assigned, unless either the syllabus or I direct you otherwise. I may assign exercises for class discussion and additional ungraded research and writing assignments throughout the semester to further strengthen your analytical and writing skills.

For additional information about this class, including the goals and objectives, attendance policy, assignments, and grading see the Student Manual, which was distributed at the beginning of Fall semester, is posted on TWEN, and is posted on the Syllabi page of the Registrar's website.

Graded Assignments

All assignments this semester are based on the Appellate Brief problem. See the Student Manual for assignment descriptions and point values. The assignments for which you will receive grades this semester are:

- Appellate Brief. The assignment will be distributed in class in Week 1 and is due on Monday, March 9.
- Client Letter. The Client Letter assignment will be distributed in class in Week 1 and is due at the beginning of class on Monday, February 2.
- Advocacy Exercise. This assignment will be distributed in class in Week 2 and is due during your Alpha tutorial.
- Mandatory tutorials will be held during Weeks 4 through 7.
- Mandatory practice and final oral arguments will be held during Weeks 10 through 13.

Textbooks

Required textbooks (you already have the Bluebook):

- Linda J. Barris, Understanding and Mastering The Bluebook: A Guide for Students and Practitioners (2007) (“Barris”)
- Mary Beth Beazley, A Practical Guide to Appellate Advocacy (2d ed. 2006) (“Beazley”)
- The Bluebook: A Uniform System of Citation (18th ed. 2005) (“Bluebook”)
- Alan L. Dworsky, The Little Book on Oral Argument (1991) (“Little Book on Oral Argument”)

Recommended books (you already have three of these books):

- Anne Enquist & Laurel Currie Oates, Just Writing: Grammar, Punctuation, and Style for the Legal Writer (2d ed. 2005)
- Bryan A. Garner, The Redbook: A Manual on Legal Style (2d ed. 2006)
- Richard K. Neumann, Jr. & Sheila Simon, Legal Writing (2008) (“Neumann & Simon”)
- Laurel Currie Oates & Anne Enquist, Just Briefs (2d ed. 2008)
- David S. Romantz & Kathleen Elliott Vinson, Legal Analysis: The Fundamental Skill (2d ed. 2008)
- Amy E. Sloan, Basic Legal Research: Tools & Strategies (3d ed. 2006)
- Richard Wydick, Plain English for Lawyers (5th ed. 2005)

Technology Policy

Technological devices can be distracting to your classmates and to me, and can undermine my goal to provide an atmosphere conducive to learning for all students. Accordingly, during class you may use laptops only for note-taking, and only word processing programs may be open during class, unless I direct you otherwise. Please refrain from accessing the internet; playing electronic games; using text messaging, instant messaging, or email; using cell phones, pagers, or any other communication device; or displaying wallpaper, screen savers, or other material on your computer screen that can reasonably be expected to offend or distract your classmates. I reserve the right to impose appropriate sanctions for violations of this policy; sanctions may include loss of the privilege to use the technology in question and point deductions.

Anticipated Learning Outcomes

At the conclusion of this course, students will be able to:

- Locate legal reference materials relevant to a hypothetical legal problem.
- Understand and synthesize the reasoning and rules contained in legal authorities and apply them to a hypothetical legal problem.
- Communicate effectively to clients in writing.
- Communicate persuasively to a court by writing an appellate brief.
- Understand and use the appellate process, including the rules for appellate brief format and for oral argument.
- Demonstrate professionalism skills, including representing clients in an ethical manner and displaying proper decorum in court.

WEEK 1 Week of January 19, 2009

Class discussion topics

Letter and email writing
Citation – Bring Bluebook and Barris to class
Civil litigation and motion practice
Appellate process
Appellate Brief problem
Appellate Brief research

Assignments

Reading

Wayne Schiess, Writing for the Legal Audience 33-44 (2003). Chapter 4: Writing to the Email Recipient. (Check your student mailbox for a copy.)
Linda H. Edwards, Legal Writing and Analysis 143-55, 329-33 (2d ed. 2007). Chapter 13: Writing Professional Letters and Appendix D: Sample Letters. (Posted on TWEN.)
Joseph M. Williams & Gregory G. Colomb, Client Communications: Delivering a Clear Message, 12 Persp. 127-31 (2004). (Link posted on TWEN.)
Beazley, Chapter 1, Introduction
Barris, Chapters 1-5
Appellate Brief assignment packet (for second class). The assignment will be distributed in class.
Client Letter assignment (for second class). The assignment will be distributed in class.
Client Letter cases (for second class)
Recommended reading: Neumann and Simon, chapters 25 and 32

Research

Client Letter cases (for second class).
Begin Appellate Brief research.

Writing

Begin work on the Client Letter assignment, due February 2.
Begin work on the Appellate Brief problem, due March 9.

Tutorials

Optional feedback tutorials for the Research Memorandum will be held this week. Please contact me if you would like to schedule a tutorial.

Notes

Monday is Martin Luther King Day. Monday's class will be rescheduled to a time and place TBA.

WEEK 2 Week of January 26, 2009

Class discussion topics

Letter and email writing
Citation – bring Bluebook and Barris to class
Persuasive writing
Advocacy Exercise
Appellate Brief problem
Appellate Brief research

Assignments

Reading

Beazley, Chapter 2, Appellate Jurisdiction and Standards of Review
Beazley, Chapter 3, Before You Write
Barris, Chapters 6-11

Research

Appellate Brief research.
Research assignment TBA.

Writing

Work on the Client Letter assignment.
Begin work on the Advocacy Exercise assignment, due during your Alpha tutorial. The assignment will be distributed and explained in class.
Work on the Appellate Brief.

Tutorials

Optional feedback tutorials for the Research Memorandum will be held this week. Please contact me if you would like to schedule a tutorial.

WEEK 3 Week of February 2, 2009

Class discussion topics

Persuasive writing
Advocacy Exercise
Appellate Brief problem
Appellate Brief format

Assignments due this week

Reading

Beazley, Chapter 4, Facing the Blank Page
Beazley, Chapter 5, One Piece at a Time: Drafting the Argument
Beazley, Chapter 8, Professionalism: Following Format Rules
Beazley, Chapter 9, Special Teams: Issue Statements, Statement of the Case, Summary of the Argument, Point Headings
Recommended reading: Neumann and Simon chapters 30, 31, 33, and 34

Research

Appellate Brief research.
Research assignment TBA.

Writing

The Client Letter is due at the beginning of class on Monday, February 2.
Work on the Advocacy Exercise, due during your Alpha tutorial.
Work on the Appellate Brief.

WEEK 4 Week of February 9, 2009

Class discussion topics

Appellate Brief problem
Appellate Brief format
Peer edit of the Statement of Legal Issues

Assignments due this week

Reading

Beazley, Chapter 6, Practice Pointers: Using Case Authority Effectively
Beazley, Chapter 7, Seeing What You Have Written
Beazley, Chapter 10, Six Degrees of Legal Writing: Making Your Document Reader-Friendly and User-Friendly
Recommended reading: Neumann and Simon, Chapter 35

Research

Appellate Brief research.

Writing

Two copies of the Statement of Legal Issues due at beginning of second class period for peer editing exercise.
Work on the Advocacy Exercise, due during your Alpha tutorial.
Work on the Appellate Brief.

Tutorials

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

Advocacy Exercise
Research checklist
List of authorities you are planning to use in the Appellate Brief
Detailed outline of the Argument section of the Appellate Brief
Draft of the Statement of Legal Issues
Questions about Appellate Brief and research strategies

Notes

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

Class discussion topics

No class this week.

Assignments due this week

Reading

No new reading assignment this week.

Research

Appellate Brief research.

Writing

Work on the Advocacy Exercise, due during your Alpha tutorial.

Work on the Appellate Brief.

Tutorials

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

Advocacy Exercise

Research checklist

List of authorities you are planning to use in the Appellate Brief

Detailed outline of Argument section of Appellate Brief

Draft of the Statement of Legal Issues

Questions about Appellate Brief and research strategies

Notes

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**

Class discussion topics

Appellate Brief Problem
Citation
Signals
Self editing
Document design

Assignments due this week

Reading

Beazley, Chapter 11, Exploiting Opportunities for Persuasion
Beazley, Chapter 12, Polishing
Beazley, Appendix A, Citation Form and Punctuation Information
Recommended reading: Neumann and Simon chapters 27, 28, 29

Research

Appellate Brief research.

Writing

Work on the Appellate Brief.

Tutorials

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

Draft of Table of Authorities
Draft of Statement of the Case
Draft of Statement of Facts
Full draft of Argument section, including point headings
Questions about Appellate Brief

Notes

Class will meet only on Wednesday this week.

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

Class discussion topics

No class this week.

Assignments due this week

Reading

No new reading assignment this week.

Research

Appellate Brief research.

Writing

Work on the Appellate Brief.

Tutorials

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

Draft of Table of Authorities

Draft of Statement of the Case

Draft of Statement of Facts

Full draft of Argument section, including point headings

Questions about Appellate Brief

Notes

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

The Appellate Brief is due next week.

WEEK 8 Week of March 9, 2009

Class discussion topics

Oral argument

Assignments due this week

Reading

Beazley, Chapter 13, Oral Argument

Little Book on Oral Argument

Recommended reading: Neumann and Simon, chapter 36

Writing

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

Copy of Appellate Brief due in TWEN Assignment Drop Box by 8:00 p.m. on Monday, March 9.

Notes

Exchange briefs with your final oral argument opponent on Monday, March 9, after 11:00 a.m. Please be sure that your opponent has submitted his or her brief to the Registrar's Office before exchanging briefs.

Note that you will need six copies of your Appellate Brief: one for yourself, four for the Registrar, and one for your oral argument opponent.

WEEK 9 **Week of March 16, 2009**

Class discussion topics

Oral argument

Assignments due this week

Begin preparing for oral argument.

Notes

Have a good Spring Break!

WEEK 10 **Week of March 30, 2009**

Class discussion topics

No class this week.

Assignments due this week

Prepare for oral argument.

Notes

Practice oral arguments begin this week. You are required to participate in one practice oral argument as an oralist, and to judge two additional practice oral arguments.

Week 11 **Week of April 6, 2009**

Class discussion topics

No class this week.

Assignments due this week

Prepare for oral argument.

Notes

Practice oral arguments may continue this week. You are required to participate in one practice oral argument as an oralist, and to judge two additional practice oral arguments.

Final oral arguments may begin this week.

Friday is Easter break.

WEEK 12 Week of April 13, 2009

Class discussion topics

No class this week.

Assignments due this week

Prepare for oral argument.

Notes

Final oral arguments continue this week.

WEEK 13 Week of April 20, 2009

Class discussion topics

Debriefing on oral arguments

Administration of end-of-semester evaluations

Assignments due this week

No new assignments this week.

Notes

Final oral arguments may continue this week.

Classes will meet for one class hour only this week, on Wednesday.

Honor Round oral arguments will be held on Friday, April 24.

Graded Appellate Briefs will be available after first-year exams are completed. I will let you know when and where you can pick up your Appellate Brief.

Congratulations on completing your first year of law school!