
 **LEGAL RESEARCH AND WRITING III**   
**Weekend**  
**SYLLABUS**  
**Fall 2009**

Professor Kelly B. Mickelson  
Class Time: 1:15pm-3:15pm, generally - see syllabus for dates with alternative, extended times  
Classroom: TBD

Office: 202C  
Office Phone Number: 651.523.2657  
Office Hours: 12pm-1pm every Saturday when normal class is held  
Home Phone Number: 952.960.0891 (please, no calls after 8pm)  
Email: [kmickelson04@gw.hamline.edu](mailto: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 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 seven years in varying capacities. I am primarily responsible for the creation and maintenance of new features on [lawschool.westlaw.com](http://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 regular classes will occur in TBD. Classrooms will be announced for the Oral Argument sessions.

## **Textbooks**

### ***Required textbooks***

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

The Bluebook: *A Uniform System of Citation* (18<sup>th</sup> 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.

## **Honor Code Violations**

While students are free to discuss issues, problems, research, ideas, citations, and arguments with each other, students shall not read all or parts of each other's work product, except as expressly permitted as part of the assignment. Students shall not split issues, split research, prepare common outlines, draft briefs side by side, share computer files, or the like. Students shall not discuss or review their work with anyone (including, but not limited to, lawyers, paralegals, judges, friends, relatives, other professors and tutors.)

The provisions of the Student Manual and the Code of Conduct, distributed in the first year of Legal Research and Writing, apply to all facets of this semester. 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. Final work product assignments will be graded anonymously via 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](mailto: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 assignments are as follows:

1. Assignments uploaded to the TWEN site after 1:15 p.m. on the due date, but before 1:15 p.m. the following day, will have four points deducted for lateness.
2. Assignments uploaded to the TWEN site after 1:15 p.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 1:15 p.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

### Research Exercise

Research Guide	30
Class Presentation	15
Audience Observation	Good Faith Pass/Fail basis

### Brief

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

### Exams

Legal Research Exam	30
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<u>Total</u>	180
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The official Pass/Fail policy for “Good Faith Pass/Fail” basis is:

- 1) A reasonable, good faith effort must be shown in order to receive a "Pass".
- 2) You must actually submit an assignment on time to receive a "Pass". Failure to submit an assignment on time will result in a "Fail". However, you must still submit the assignment.
- 3) If you fail to ever submit a Pass/Fail assignment, your overall semester point total will be deducted by 5 points for each missed Pass/Fail assignment.
- 4) If you receive a "Fail" on an assignment due to lack of effort or late submission, this will be taken into account on your class participation. Per the syllabus, I reserve the right to increase or decrease your overall semester point total by 5 points based on your class participation and preparedness.

Pass/Fail assignments are created with 'you' in mind - they are a tool that I use to help make sure you are on the right track before a large, point-worthy assignment is due. Please take them seriously and submit a reasonable, good faith effort.

## **General Overview of Assignments**

### **Research Exercise and Presentation**

Students will explore the myriad of legal research resources, and will create and present a report based on their work.

### **Research Journal**

Prior to your submission of the brief, 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 should include all issues, all rule synthesis, all analysis and all conclusions that the student plans to include in the final draft of the brief.

### **Brief**

Your 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.

## **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):

<b>FONT:</b>	Times New Roman, twelve point
<b>MARGINS:</b>	Each typed page must have one-inch margins on top, bottom, and both sides.
<b>TYPE:</b>	Fully double-spaced, except that block quotations are single-spaced and indented from the left and right margin.
<b>CITATIONS:</b>	<i>In accordance with the <u>Bluebook Citation Manual</u>.</i>
<b>PAGE LIMITS:</b>	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.
<b>PAGINATION:</b>	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 15, 2009**

**1:15pm-3:45pm**

**150 minutes**

### IN-CLASS ACTIVITIES and DISCUSSIONS

Welcome and Introduction

Administrative Matters

Survey Results

Introduction to Research Project

Basic and Advanced Legal Research Training

### READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Thoroughly review the syllabus, please

### ASSIGNMENTS DUE THIS WEEK

N/A

**Week Two: August 22, 2009**

**1:15pm-3:45pm**

**150 minutes**

IN-CLASS ACTIVITIES and DISCUSSIONS

Basic and Advanced Legal Research Training

Research Project Discussions

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

N/A

ASSIGNMENTS DUE THIS WEEK

N/A

**Week Three: August 29, 2009**

**1:15pm-3:45pm**

**150 minutes**

IN-CLASS ACTIVITIES and DISCUSSIONS

Basic and Advanced Legal Research Training

Cost Effective Legal Research

Research Project Discussions

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

N/A

ASSIGNMENTS DUE THIS WEEK

N/A

**September 5, 2009**  
**NO CLASS**

**Week Four: September 12, 2009**  
**NO CLASS**

**Week Five: September 19, 2009**

**1:15-3:45pm**

**150 minutes**

IN-CLASS ACTIVITIES and DISCUSSIONS

Research Presentations

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

N/A

ASSIGNMENTS DUE THIS WEEK

Research Project is due September 19, 2009, by 1:15pm

**Week Six: September 26, 2009**

**1:15-3:45pm**

**150 minutes**

IN-CLASS ACTIVITIES and DISCUSSIONS

Begin discussion regarding Brief Case Record

Bluebook – Introduction & Comparison to ALWD

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Beazley reading TBD

Read the entire Brief Case Record

Skim the Bluebook to become familiar with its major components

Review Bluebook and ALWD comparison materials

ASSIGNMENTS DUE THIS WEEK

N/A

**Week Seven: October 3, 2009**

**1:15-3:15pm**

**120 minutes**

IN-CLASS ACTIVITIES and DISCUSSIONS

Building the blocks that will comprise your brief

Formatting Components to Your Brief

Preparing to Write the Brief

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Beazley reading TBD

Review Sample Brief

ASSIGNMENTS DUE THIS WEEK

Research Journal due this week, October 3, 2009, by 1:15pm

**Week Eight: October 10, 2009**

**1:15-3:15pm**

**120 minutes**

IN-CLASS ACTIVITIES and DISCUSSIONS

Legal Research Exam

Preparing to Write the Brief

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Beazley reading TBD

ASSIGNMENTS DUE THIS WEEK

N/A

**October 17, 2009**

**NO CLASS**

Building blocks of brief due this week, October 17, 2009, by 1:15pm

Returned by the October 23, 2009 at 9pm

**Week Nine: October 24, 2009**

**1:15-3:15pm**

**120 minutes**

IN-CLASS ACTIVITIES and DISCUSSIONS

Last Q&A regarding the brief assignment

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Beazley reading TBD

ASSIGNMENTS DUE THIS WEEK

N/A

**Week Ten: October 31, 2009**

**1:15-3:45pm**

**150 minutes**

IN-CLASS ACTIVITIES and DISCUSSIONS

Peer Review Exercise

Oral Argument Discussion

Specific Grading Criteria for Oral Argument

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

Read Chapter 13 (Beazley)

Read “The Little Book on Oral Argument”

ASSIGNMENTS DUE THIS WEEK

Brief due October 31, 2009, by 1:15pm

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

**Week Eleven: November 7, 2009\***

**1:15-3:15pm**

**120 minutes**

IN-CLASS ACTIVITIES and DISCUSSIONS

Oral Argument Discussion - work with partner to prepare strategy for Oral Argument  
Course Evaluations

READING ASSIGNMENTS TO BE DONE FOR THIS WEEK

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

Read Chapter 13 (Beazley) – if you didn't last week

Read "The Little Book on Oral Argument" – if you didn't last week

ASSIGNMENTS DUE THIS WEEK

N/A

***\* The MPRE is offered on this date.***

<http://www.ncbex.org/multistate-tests/mpre/>

If you are planning to take the MPRE on this date, please contact me asap.

**Week Twelve: November 14, 2009**

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 21, 2009**  
**NO CLASS**