



**Legal Research and Writing
Weekday Program**

Student Manual

2008-2009

TABLE OF CONTENTS

COURSE OVERVIEW	3
TEXTS	7
Comprehensive Texts.....	7
Reference Tools.....	9
COURSE REQUIREMENTS	11
Classes	11
Tutorials.....	12
Research Labs and Assignments	13
Writing, Analysis, and Advocacy Assignments.....	15
1. One Case Legal Analysis Exercise.....	15
2. Closed Office Memorandum.....	16
3. Research Memorandum.....	17
4. Mediation Simulation	18
5. Client Letter	18
6. Advocacy Exercise	18
7. Appellate Brief	19
8. Oral Argument.....	19
FORMAT OF MAJOR WRITING ASSIGNMENTS.....	20
PROCEDURES FOR HANDING IN MAJOR WRITING ASSIGNMENTS	22
MEETING DEADLINES.....	22
Extensions	23
Penalties for Late Assignments.....	23
CALCULATION OF GRADES	24
Grading Criteria	24
Calculating Final Grades	26
RULES GOVERNING RESEARCH AND WRITING ASSIGNMENTS	28
Plagiarism	29
Collaboration.....	30

Library Resources	31
Other Resources	32
OPPORTUNITIES FOR ADDITIONAL ASSISTANCE	32
BEYOND LEGAL WRITING	32
A FINAL COMMENT	34
APPENDIX	35
LEGAL RESEARCH AND WRITING CODE OF CONDUCT	35

COURSE OVERVIEW

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 Law School's first-year program in Legal Research and Writing is designed in significant part to teach effective legal research and writing skills in a supportive environment.

But possessing effective legal research and writing skills alone will not make you a good lawyer; instead, these skills serve a vital function in the larger body of knowledge, skills, and professional practices that you will need to learn to competently represent your clients. Therefore, our program teaches research and writing skills in a setting that also simulates the demands of law practice and calls upon you to reflect upon your role as an attorney.

This overview briefly highlights the learning outcomes of the Legal Research and Writing class and summarizes the coursework related to the outcomes.

► Learning Outcome:

- Communicate effectively in writing in a variety of settings

Related coursework: The majority of your assignments are designed to teach you how to communicate effectively in writing. Lawyers must have strong English composition skills, including the ability to use proper grammar, punctuation, and spelling, in order to communicate effectively with judges, other attorneys, and clients. Your Instructor will point out weaknesses in

your composition skills and may recommend that you complete specific exercises in addition to regular assignments. Do not hesitate to take the initiative to meet with your Instructor to discuss any problems you are having, and do extra exercises. Effort invested in your writing skills now will be rewarded throughout your career.

► **Learning Outcomes:**

- Demonstrate knowledge of the structure, components, and functioning of the U.S legal system
- Start to develop mastery of 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

Related coursework: In order to write about the law clearly you must have a fundamental understanding of how our legal system functions, how to find the law, and how to understand it once you find it. In our program, you will strengthen your understanding of the structure, components, and functioning of the United States legal system, concepts introduced during Orientation, by working on assignments addressing a variety of legal topics from a variety of jurisdictions. During first semester, you will participate in a research lab to learn how to find, use, and manage legal authority materials; you will apply that research knowledge throughout the year. Throughout the year, you will also work on comprehending and synthesizing different types of legal authorities as you apply them to a variety of hypothetical client situations. Like other first-year courses, our program will teach you how to “think like a lawyer.”

► **Learning Outcomes:**

- Communicate with diverse audiences
- Communicate effectively in speaking in a variety of settings

Related Coursework: Further, you will not only learn to write, research, and think like a lawyer, you will also learn to adjust your knowledge and skills as the profession demands. You

will learn how to tailor your writing to diverse audiences including clients, supervising attorneys, and judges. You will learn how to write both objective and persuasive legal documents. You will learn how to communicate your legal analysis effectively in speech as well as writing by participating in class exercises and an appellate oral argument.

► **Learning Outcomes:**

- Demonstrate an understanding of the ethical rules that govern the legal profession
- Articulate the role lawyers play in promoting justice, improving the legal profession, and serving the community
- Exercise professional decorum consistent with a lawyer's professional responsibilities and leadership roles
- Engage in effective time management

Related Coursework: Our program will also give you insight into what it means to be a lawyer. Your Instructors all have law degrees, have worked in the profession, and will integrate their legal experiences into their teaching. Professional ethical rules will be discussed in class, and you will work on assignments that will require you to think about the roles that lawyers play in our legal system and the community. You will be required to demonstrate professional decorum in the classroom and in your oral presentations, and, as will happen in practice, you will be expected to exercise time management skills to meet deadlines.

► **Learning Outcomes:**

- Identify and apply appropriate strategies to achieve client objectives
- Advocate, collaborate, and problem-solve effectively in formal and informal dispute resolution processes
- Start to acquire the knowledge and skills required to competently represent one's clients

Related Coursework: Finally, you will start to learn to identify and apply appropriate strategies to discover and achieve your client's objectives. You will participate in a simulated client interview in which you will seek to determine the client's problems and discuss how best to start addressing them. You will also learn about the contrast between resolving client disputes

formally and informally by participating in and observing a mediation simulation. You will learn how to communicate clearly with a client in a client advice letter. Overall, you will explore the role of the lawyer as a problem solver who must a) effectively listen to a client, b) understand legal and other interests, c) choose the most appropriate dispute resolution process, and d) differentiate between law as a tool for justice and as a tool to accomplish individual client objectives.

Legal Research and Writing is a highly practical course. You will use the research, writing, analytical, and problem-solving skills taught in this course, together with the skills taught in all of your courses, throughout your career. Prospective employers will probably not require you to be an expert in any particular body of law upon graduation from law school. They will definitely, however, expect you to know how to find and analyze the law that applies to a client's problem and how to express the results of your research and analysis clearly in written and spoken form.

TEXTS

The following lists contain both required and suggested texts for Legal Research and Writing. Not only will these books be helpful this year, many of them will also be useful to you long after you complete your first year of law school.

Comprehensive Texts

You will be required to purchase some of the texts from the following list. Check your Legal Writing Syllabus to determine which texts your Instructor requires. You may then choose to supplement the assigned readings by consulting one or more of these additional sources. Copies of all of the texts on the list will be placed on reserve in the library. You can also order books through the bookstore or online.

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

Gertrude Block, Effective Legal Writing for Law Students and Lawyers (5th ed. 1999)

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

Linda H. Edwards, Legal Writing and Analysis (2d ed. 2007)

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

Christina L. Kunz et al., The Process of Legal Research (6th ed. 2004)

Roy M. Mersky & Donald J. Dunn, Fundamentals of Legal Research (8th ed. 2002)

Richard K. Neumann, Jr., Legal Reasoning and Legal Writing: Structure, Strategy, and Style (5th ed. 2005)

Richard K. Neumann, Jr. & Sheila Simon, Legal Writing (2008)

Jill J. Ramsfield, The Law as Architecture: Building Legal Documents (2000)

David S. Romantz & Kathleen Elliott Vinson, Legal Analysis: The Fundamental Skill (1998)

Helene S. Shapo et al., Writing and Analysis in the Law (rev. 4th ed. 2003)

Amy E. Sloan, Basic Legal Research: Tools and Strategies (3d ed. 2006)

A Practical Guide to Appellate Advocacy is an outstanding comprehensive text on persuasive writing and oral argument. Effective Legal Writing is an excellent basic legal writing source and includes chapters on case briefing, clear writing, basic legal analysis, and exam-taking. The Little Book on Oral Argument is an easy-to-read book that covers the basics of oral advocacy in fewer than eighty pages. Legal Writing and Analysis is a straightforward and concise text that includes many examples of well-written parts of legal documents. Legal Writing: Process, Analysis, and Organization, a comprehensive text, explains legal analysis and the structure of the written analysis of a legal problem and includes exercises to help you develop your analytical and writing skills. The Process of Legal Research teaches legal research as a process and uses many illustrations to help you understand the tasks you will engage in and the sources you will use in legal research. Fundamentals of Legal Research addresses legal research strategies and legal reference materials in great depth, and will be a useful reference as you begin your law career. Legal Reasoning and Legal Writing is a comprehensive text that emphasizes the role of good legal reasoning in effective legal writing. Legal Writing is a comprehensive but concise text that is supplemented by a website. The Law as Architecture provides a unique metaphorical approach to structuring legal documents, which may be helpful to students who employ a visual learning style. Legal Analysis is a short book that concisely introduces, explains, and illustrates rule-based, analogical, and policy arguments. It also concisely discusses and illustrates the IRAC writing format. Writing and Analysis is a straightforward and comprehensive text addressing how to structure the written analysis of a legal problem. Basic

Legal Research teaches basic legal research skills and strategies and includes many illustrations and an appendix covering useful research sources on the internet.

Reference Tools

You will also be required to purchase some of the books from the following list as reference tools. Check your Legal Writing Syllabus to determine which books your Instructor requires. You may want to consult other resources on the list to supplement the assigned readings.

Association of Legal Writing Directors & Darby Dickerson, ALWD Citation Manual: A Professional System of Citation (3d ed. 2006)

Association of Legal Writing Directors & Darby Dickerson, ALWD Speed Cite (3d ed. 2006) (quick-reference card)

Black's Law Dictionary (8th ed. 2004)

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

Linda J. Barris, Understanding and Mastering the Bluebook: A Guide for Students and Practitioners (2007)

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

Bryan A. Garner, A Dictionary of Modern Legal Usage (2d ed. 2001)

Bryan A. Garner, The Redbook: A Manual on Legal Style (2d ed. 2006)

Terri LeClercq, Guide to Legal Writing Style (4th ed. 2007)

Laurel Currie Oates & Anne Enquist, Just Memos (2d ed. 2006)

Laurel Currie Oates & Anne Enquist, Just Research (2005)

Richard Wydick, Plain English for Lawyers (5th ed. 2005)

Richard Zitrin & Carol M. Langford, The Moral Compass of the American Lawyer (2000)

The ALWD Citation Manual is an easy-to-use reference work that sets forth uniform rules of legal citation used in producing professional legal documents. ALWD Speed Cite is a laminated, two-sided quick-reference card that helps identify correct ALWD Citation Manual form at a glance. Black's Law Dictionary is an indispensable resource that you will need to understand the cases you are reading in law school. The Bluebook is a standard reference work that sets forth rules of legal citation. Understanding and Mastering the Bluebook is a guidebook to help you learn how to use The Bluebook and provides easy-to-read charts to help you visually see the parts of various citations. Just Writing: Grammar, Punctuation, and Style for the Legal Writer explains the basics about grammar, sentence structure, paragraph structure, and effective legal writing style. This book also comes with a CD containing practice exercises. A Dictionary of Modern Legal Usage is a comprehensive reference about legal language. The Redbook is a comprehensive reference on grammar, punctuation, and legal style. Guide to Legal Writing Style is a short and accessible book that focuses on the most common writing problems students face; it comes with a CD containing additional practice exercises. Just Memos is a short book that focuses on how to write objective legal memoranda. Just Research is a research text that is organized around issues rather than sources; the book comes with a CD containing research exercises. Plain English for Lawyers includes easily understood suggestions about improving your writing style and composition skills. The Moral Compass of the American Lawyer explores the ethical practice of law through the examination of actual cases.

Please feel free to consult your Instructor about which of these resources may be most helpful to you.

COURSE REQUIREMENTS

The requirements of this course are detailed in your Instructor's Legal Writing Syllabus and the Weekday Program's Legal Research Syllabus. These syllabi describe the assignments, discussion topics, and schedules for the course. You should carefully and regularly review both documents to ensure that you comply with the requirements of the course.

Classes

Content: During the fall semester, classes will focus on the fundamentals of legal research, analysis, and writing. You will learn how to develop effective legal research strategies, how to interpret cases and statutes, how to synthesize rules of law, and how to organize and write objective legal memoranda. You will also explore alternative dispute resolution practices through a simulated mediation exercise. During the spring semester, classes will focus on client communication, persuasive legal writing and oral advocacy skills.

Classes will include writing exercises and small-group activities that require you to apply concepts discussed in class and described in assigned readings. Classes will also include lectures and discussions regarding upcoming writing assignments, question and answer sessions, and review of recently returned assignments. Classes generally will not include lecture regarding material covered in the assigned readings. If you have questions about the assigned readings, be sure to bring them to your Instructor's attention in class or during office hours.

Attendance: Class attendance is crucial to students' understanding of the material. Students 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 two classes per semester. Four points will be deducted from a student's final point total at the end of the semester for each absence after the first two absences. Each hour of

Legal Writing class, each individual tutorial, each oral argument practice, each final oral argument, and each Legal Research lab will be treated as one class hour under the attendance policy. Excessive lateness may also be considered absence under the attendance policy and may subject a student to point deductions.

An Instructor may excuse a student's absence if the student can demonstrate exigent circumstances. If you know you will be absent from a class, inform your Instructor in advance so that you can arrange to attend another class session or meet with your Instructor to obtain the information covered in class. The Director of Legal Writing, Mary Trevor, will hear appeals under the attendance policy and may excuse absences if a student can demonstrate exigent circumstances. Appeals must be made within a week of the absence.

Tutorials

Much of the instruction in this course will take place during individual tutorials with your Instructor. Thus, preparation for and attendance at tutorials is critical. You are required to attend five individual tutorials during the year. Please refer to your Instructor's Legal Writing Syllabus for information about the tutorial schedule for your Legal Writing section.

Individual tutorials are designed to help you improve the structure and quality of your written analysis before an assignment is due. They will give you an opportunity to review and critique preliminary drafts of your work interactively with your Instructor. You may also wish to discuss questions you have about your research, analysis, and assignments.

You are required to bring outlines, research checklists, lists of authorities, and/or preliminary drafts of portions of assignments to tutorials. Your Instructor's Legal Writing Syllabus describes what you are required to bring to each tutorial. Because tutorials are interactive and focus on the work you have already completed, you must be prepared for tutorials

in order to receive the maximum benefit from them. Further, we strongly recommend that you bring a list of specific questions to each tutorial so as to make the most effective use of tutorial time. After your tutorial, you are expected to revise your preliminary drafts in light of the discussion at your tutorial and your own developing understanding of the assignment and insight into how to present your analysis most effectively. If you find as you rewrite that you are not clear about how to apply your Instructor's tutorial recommendations, or that any recommendation does not seem to be working well, it is your responsibility to contact your Instructor to seek clarification.

For each tutorial that you attend and for which you demonstrate satisfactory preparation, four points will be added to your point total at the end of the semester.

You are encouraged to meet with your Instructor any time you have questions, ideas you want to discuss, or written work you would like your Instructor to review. You may schedule an appointment or stop by when your Instructor has office hours.

Research Labs and Assignments

You are required to attend twelve research labs during the fall semester and, depending on presenter availability, you may also be required to attend two or more workshops addressing online research. For your research lab, you are required to complete fourteen exercises, some covering research skills and some covering citation skills, and take a final research skills multiple-choice exam.

Research labs are taught by second-year and third-year teaching assistants working under the supervision of the Legal Research and Writing Instructors. Members of the library staff will assist in teaching some of the labs.

During research labs, your teaching assistant (TA) will show you where specific types of reference materials are located in the law library, explain how those materials are used, answer questions you may have about information covered in your legal research textbook, and introduce you to the exercise(s) assigned for the week. Your TA will also cover the citation skills being taught that week, if applicable. If time permits, you will have an opportunity to begin working on exercises during research labs. Your TA will be available to help you with exercise assignments during scheduled office hours each week.

Some exercises will be done online and some exercises will be done in hard copy. The requirements for completing an exercise to a satisfactory level will vary accordingly; please check the Research Syllabus and note any additional instructions from your TA to be certain you are completing the exercises in a timely and satisfactory manner.

To get point credit for the exercise, each exercise must be completed to a satisfactory level no later than the start of the research lab following the one in which the assignment was introduced, unless the Legal Research Syllabus or your TA indicates otherwise. You will usually have one week to complete each exercise. You may not skip an exercise and you must complete all exercises to a satisfactory level to pass the course (although you will not get point credit for exercises that are handed in late). If all exercises are not completed by the end of fall semester, you will receive an incomplete in the class for the semester.

You may collaborate with other students in interpreting the questions, tracking down the resources, and discussing possible answers when you work on the exercises. You may not, however, adopt a “divide and conquer” strategy, with each student researching or developing an answer for only a portion of the exercise. Each student must be an active participant in finding and reviewing all of the materials required to complete the exercise, and each student must

independently complete the exercise. You should review the rules relating to plagiarism and collaboration in the “Rules Governing Research and Writing Assignments” section of this manual and in the Legal Research and Writing Code of Conduct in the Appendix of this manual.

Writing, Analysis, and Advocacy Assignments

In your legal writing class, you will have six graded writing assignments this year. The assignments are designed to build on each other so that with each assignment you are both reinforcing skills you have already mastered and learning new skills. In addition to your writing assignments, you will also participate in a mediation simulation either as an attorney, client, or observer/commentator; and you will also do an oral argument based on your appellate brief. The mediation is not graded. The oral argument is graded.

1. One Case Legal Analysis Exercise

Your first writing assignment of the year will be a short One Case Legal Analysis Exercise using one case and the fact pattern from your Closed Office Memorandum assignment. This assignment will require you to predict the outcome of your case (the Closed Office Memorandum fact scenario) based on just one of the cases – pretending, in effect, that this is the only precedent case on the issue. After introducing the issue or stating your conclusion, you will state the legal rule from the case. Next, you will explain the rule in a paragraph or block of paragraphs called a “case illustration.” Legal analysis depends largely on reasoning by analogy from one case to the next; the case illustration gives your reader the information about the precedent case that will allow the reader to compare that case to your case. The case illustration is followed by a paragraph or paragraph block applying the rule, comparing the precedent case to your case, and making arguments for both parties in the dispute. The assignment ends with a statement of the likely outcome of your case and an explanation of the reasoning for your

prediction. This assignment will help you practice constructing the building blocks of legal analysis that you will use to write the Closed Office Memorandum. Your Instructor will provide you with specific instructions in class.

Your Instructor will review your One Case Legal Analysis Exercise and return it to you with written comments, and/or will meet with you to go over her comments.

2. Closed Office Memorandum

Your first major writing assignment will be a “Closed” Office Memorandum. Lawyers and law clerks write office memoranda to inform their supervisors and co-workers about how the law applies to a particular set of facts or to a general fact pattern. Office memoranda present an objective analysis and application of the law. They are designed to inform rather than to persuade. Law clerks and recent law school graduates spend much of their time researching and writing office memoranda. The time and energy you devote to learning how to prepare office memoranda that are well organized, well reasoned, well written, and concise yet thorough, will help you obtain and retain law-related employment.

You will be required to draft only part of an office memorandum for this assignment: the discussion section. In addition, you will include a question presented and brief answer drafted by the class as a group exercise.

“Closed” means that we will give you all of the legal reference materials you are permitted to use in writing your office memorandum. This will rarely, if ever, happen again in your academic or professional life, so enjoy! The purpose of the Closed Office Memorandum is to develop your ability to analyze and synthesize legal materials, to apply the law to a specific set of facts, and to express your reasoning and conclusions clearly and concisely in written form. You will have ample opportunity to pursue legal research later in the semester. For purposes of

this assignment, assume we have given you all of the materials you would use in preparing your memorandum had you done the research yourself.

You will be required to attend an individual tutorial with your Instructor before the Closed Office Memorandum is due. See your Legal Writing Syllabus for the list of items you are required to bring to the tutorial.

After your Instructor has graded your Closed Office Memorandum, you will have the option to meet with her to discuss the Closed Office Memorandum assignment by setting up an appointment. At this meeting, you will also have an opportunity to review problem areas identified by your Instructor and to discuss questions you may have regarding your Instructor's written comments. Bring your graded memorandum with the accompanying comments to this meeting, as well as a list of specific questions, so your Instructor can focus on the areas in which you need the most help.

3. Research Memorandum

Your second major writing assignment will be a Research Memorandum. The purpose of the Research Memorandum assignment is to incorporate legal research into the legal writing process. You will learn how to develop a research strategy, how to tailor your research to a specific fact situation, how to decide when you have done enough research to begin writing, and how to organize the results of your research and analysis into an objective office memorandum. While the format of the Research Memorandum will be the same as that of the Closed Office Memorandum, you will be required to draft all the sections yourself this time: the question(s) presented, brief answer(s), fact section, discussion section, and conclusion. In addition, you will be expected to find applicable legal authority yourself. The Research Memorandum assignment may be introduced during a simulated in-class client interview.

You are required to attend two individual tutorials before the Research Memorandum is due. See your Legal Writing Syllabus for lists of items you are required to bring to the tutorials. After your Instructor has graded your Research Memorandum, feel free to request a meeting to review problem areas and to discuss questions you may have.

4. Mediation Simulation

The practice of alternative dispute resolution (ADR) has become a regular feature of the contemporary lawyer's work. Basic knowledge of ADR is therefore part of the baseline professional obligation of all lawyers. After you have submitted the Research Memorandum, the Research Memorandum problem will be the subject of a simulated in-class mediation demonstration to familiarize you with an interest-based resolution of a problem rather than a rights-based resolution. While not all students will play a role in the mediation simulation, all students will read materials that will introduce them to mediation, and all students will participate in a debriefing session immediately following the simulation.

5. Client 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. The Client Letter will be based on your initial evaluation of the Appellate Brief assignment materials, including a small number of cases selected by your Instructor.

6. Advocacy Exercise

This exercise will help you shift your perspective from objective writing to persuasive writing. Based on cases selected by your Instructor, you will construct one of the arguments that you will later include in your Appellate Brief. Within this argument, you will practice presenting

a case from the perspective of your client, asserting your argument affirmatively, and responding to your opponent's argument.

7. Appellate Brief

Your third major writing assignment will be an Appellate Brief. This assignment will require you to use research, analysis, and writing skills to persuade an appellate court to adopt your client's position on two or more issues of law. The Appellate Brief assignment will be based on a mock trial-court record from which you must extract the relevant facts and legal issues.

You are required to attend two individual tutorials before the Appellate Brief assignment is due. See your Instructor's Legal Writing Syllabus for lists of items you are required to bring to the tutorials.

At the end of the academic year, one student from each Legal Research and Writing section will be honored for having submitted the best Appellate Brief in his or her section. One of these students will also be honored for having submitted the best Appellate Brief in the first-year class.

8. Oral Argument

The final graded assignment of the year will be an Oral Argument based on the Appellate Brief problem. For the Oral Argument, you will represent the same party you represented in the brief. Another student in your Legal Writing section will represent the opposing party. Your arguments will be based on your completed Appellate Brief. You and your opposing counsel will exchange briefs before your oral argument. You are also required to participate in one practice Oral Argument, and to judge two practice Oral Arguments, all of which will be scheduled by your Instructor before the graded Oral Argument. The purpose of the practice Oral Argument is

to help you develop your oral advocacy skills in a simulated appellate court environment with your Instructor's guidance.

You are encouraged to collaborate with other students when preparing for Oral Arguments. You may discuss strategy, style, and substance together. You may also practice against each other and act as practice judges for each other.

Your final Oral Argument will be presented before your Instructor and one or more additional judges. These individuals will be law professors, practicing attorneys, second-year or third-year law students, or possibly acting judges. At the final Oral Argument, each student will be allotted fifteen minutes to present his or her client's case and respond to questions from the judges. Counsel for appellant will proceed first, followed by counsel for respondent. Appellant will then be allowed up to three additional minutes for rebuttal. After both students have finished their presentations, the judges will comment on each student's legal analysis and oral advocacy skills and will offer constructive suggestions for improvement. Although all judges will be asked to comment on your performance, your grade will be determined solely by your Instructor.

After all Oral Arguments have been heard, the Instructors will be asked to identify the best individual oralists in their sections. These students will advance to a first-year Honor Round competition. Participation in the Honor Round is voluntary. More details about the Honor Round competition will be announced during spring semester.

FORMAT OF MAJOR WRITING ASSIGNMENTS

The three major writing assignments must meet the format requirements below (unless your Instructor informs you otherwise):

PAPER: 8 1/2 x 11 inches
White paper
Printed on one side or both sides. Either format is acceptable.

- FONT:** Times New Roman, twelve point with normal character spacing.
- MARGINS:** Each typed page must have one-inch margins on top, bottom, and both sides. The bottom margin is measured from the bottom of the text to the bottom of the page. Page numbers may float within this one-inch space.
- TYPE:** Typewritten or produced on a computer printer.
- Do not justify the right margin.
- Fully double-spaced, except that block quotations are single-spaced and indented from the left and right margin.
- CITATIONS:** In accordance with the The Bluebook.
- BINDING:** Staple in upper left-hand corner. Do not use cardboard, plastic binders, or other covers.
- PAGE LIMITS:** Each assignment will have a page limit.
- PAGINATION:** Each page of text, beginning with the second, must be numbered. The page number must be centered at the bottom of the page.
- ENVELOPE:** Hand in the Closed Memo, Research Memo, and Appellate Brief assignments in an unsealed 9" x 12" (or larger) envelope with your name, the name of your Instructor, and your Legal Research and Writing section written in the upper left corner of the front of the envelope when the envelope is held vertically.

The pages of your assignments should look approximately like the pages in this manual.

Do not deviate from the rules governing font, font size, character and line spacing, or margins to fit within a page limit. Measure margins with a ruler to make sure they are correct; do not rely on your word processing program. Many programs' defaults have margins that are greater than one-inch. To ensure that all students are treated fairly, papers not meeting format requirements will be penalized.

PROCEDURES FOR HANDING IN MAJOR WRITING ASSIGNMENTS

Each completed major writing assignment must be handed in at the Registrar's Office by 11:00 a.m. on the due date. Be sure to have your receipt form signed by a member of the Registrar's Office staff when you hand in your assignment. Hand in your assignments in an **unsealed** 9" x 12" (or larger) envelope with your name, the name of your Instructor, and your Legal Research and Writing section in the upper left corner of the front of the envelope. You must have your **envelope** date and time-stamped by the time-stamp machine in the Registrar's Office at the time you hand in your assignment. Your instructor will require you to submit some or all of your major assignments electronically in addition to submitting them in hard copy. Be aware that, for those assignments that must be turned in to the Registrar's Office, timely electronic submission does NOT count for the purpose of meeting submission deadlines; only timely submission of required materials in hard copy, consistent with the requirements set out in this manual, will count as meeting submission deadlines for those assignments.

Your Instructor will inform you of procedures for handing in other assignments, and of the time and place at which you may pick up your graded assignments.

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. Legal Research and Writing complements rather than conflicts with your other classes. You are

expected to attend all other first-year classes and to be prepared for all of your classes, even though you have deadlines to meet for Legal Research and Writing.

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, 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 (please note that this is not a comprehensive list): your computer, computer program, printer, or car malfunctioned; the roads or traffic conditions were bad; or (an old favorite) your dog, polar bear, wolf, giraffe, or child ate the assignment. 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 anticipate that you may be unable to be at school by 11:00 on the morning an assignment is due and would like to turn the assignment in on an earlier day, please contact your Instructor to make arrangements.

Penalties for Late Assignments

The following penalties will be imposed for late submission of writing assignments:

1. Assignments delivered to the Registrar's Office after 11:00 a.m. but by 12:00 noon on the due date will have two points deducted for lateness.
2. Assignments delivered to the Registrar's Office on the due date, but after 12:00 noon, will have four points deducted for lateness. Assignments will not be accepted after the Registrar's Office has closed for the day.

3. Assignments delivered to the Registrar's Office on the day after the due date will have four additional points, or a total of eight points, deducted for lateness. Assignments will not be accepted after the Registrar's Office has closed for the day.
4. Assignments delivered to the Registrar's Office on succeeding days will have four points deducted for each additional day late. Assignments will not be accepted after the Registrar's Office has closed for the day. 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.

CALCULATION OF GRADES

Your grades in law school will likely be lower than those you received as an undergraduate. Most law students received As and Bs 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. The average grade point average for Hamline's first-year class in 2007-2008 was 2.931.

While law school grades are important, they should not be your primary focus in this course. You should focus instead on your Instructor's 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

Your Instructor 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 The Bluebook 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 your Instructor agrees with your legal conclusions. Although many of the same factors will be evaluated on all writing assignments, the weight your Instructor assigns each factor may 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, your

Instructor will assign greater weight 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. Failure to comply with such requirements in legal practice can result in serious sanctions. Your exhaustively researched, well-organized, and meticulously written brief may be returned to you or disregarded because you exceeded a page limit or used the wrong font or margin size. Making compliance with format and style requirements a habit now may save you considerable embarrassment and pain as a practicing attorney.

Your Instructor will be selective when commenting on your writing assignments. Your Instructor will not comment on every error. She may forego commenting on small errors to focus your attention on problem areas that require more immediate improvement. Your Instructor may mark an error the first place it appears and then expect you to correct other similar errors.

Calculating Final Grades

Final grades in each Legal Research and Writing section are curved to ensure fairness. Thus, the average final grade for each 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.

Your Instructor will curve grades by comparing the total number of points received by students within her section. If your Instructor teaches more than one section, he or she may consider both sections in establishing the curve.

Point values for assignments have been allotted as follows:

Fall Semester

• Tutorials (four points each)	12.0
• Research Assignments (one point each)	14.0
• One Case Legal Analysis Exercise	4.0
• Closed Office Memorandum	16.0
• Research Memorandum	36.0
• Research Exam	<u>20.0</u>
• Total Points	102.0

Spring Semester

• Tutorials (four points each)	8.0
• Client Letter	8.0
• Advocacy Exercise	4.0
• Appellate Brief	50.0
• Oral Argument	<u>20.0</u>
• Total Points	90.0

The One Case Legal Analysis Exercise, Closed Office Memorandum, Research Memorandum, Client Letter, Advocacy Exercise, Appellate Brief, and Oral Argument will be graded on a scale ranging from zero to the allotted point value. Do not panic if you only receive half of the points allotted to an assignment. While such a grade indicates that your work needs

substantial improvement, it does not necessarily mean that you are at risk of failing the course. Your Instructor will calculate the average and median grades for each assignment to help you determine your relative standing in the section.

You are required to complete all assignments. Failure to complete an assignment will result in an incomplete or a failing grade for the semester.

RULES GOVERNING RESEARCH AND WRITING ASSIGNMENTS

All assignments are governed by Hamline Law School's Code of Conduct, which is set forth in the Hamline University Student Handbook and is available at <http://www.hamline.edu/law/registrar/pdfs/codeconduct.pdf>, as well as by the Legal Research and Writing Code of Conduct, which is set forth in the Appendix of this manual. Section 3.01 of the Law School's Code of Conduct provides:

Any dishonest conduct, course of conduct, illegal act, or conduct which is cause for rejection of a candidate for admission to the Bar of the Supreme Court of Minnesota is prohibited. Nonexclusive examples of such conduct are . . . [p]lagiarism.

Section 3.03 of the Law School's Code of Conduct, entitled "Prohibited Conduct—Written Work," provides:

This section provides further example[s] and specific notice of the type[s] of conduct which the law school regards as dishonest with regard to written work produced as an assignment for a course or for any extracurricular activity such as Moot Court or the law journals. This section is not to be construed as limiting Section 3.01 in any way.

To engage in any of the following acts in connection with any written work shall be prohibited:

- (a) To engage in any act specifically prohibited by the written instructions governing the assignment;
- (b) To submit as one's own any written assignment partially or totally written by another unless specifically permitted to do so by the written instructions governing the assignment;

(c) To collaborate with another student in violating either subsection (a) or subsection (b) of this section;

(d) To take, without authorization, conceal, or destroy materials from any library where the result is to deny access to such materials to other students.

You are expected to know these rules and the rules contained in the Legal Research and Writing Code of Conduct. Violations of the rule against plagiarism, as well as other rules of conduct governing the Legal Research and Writing Program, are handled under the Law School's Code of Conduct. The following paragraphs describe in general terms conduct that is prohibited by the Legal Research and Writing Code of Conduct. The Legal Research and Writing Code of Conduct, which is set forth in the Appendix, includes the specific rules and examples illustrating how the rules are applied. If you have any questions about what constitutes impermissible conduct, please discuss the matter with your Instructor.

Plagiarism

Plagiarism is an extremely serious matter. The essence of plagiarism is the representation of the work of another person as one's own. This includes any part of the work of another person, whether another student or a published author, and includes even a phrase or a single sentence. Every direct quotation must be identified by quotation marks or block indentation on the page, with an accurate citation to the source from which the quotation is taken. If you paraphrase or summarize the work of another, you must acknowledge the source. Take care in taking notes so that later you do not inadvertently use the words, phrases, or thoughts of another person without identifying your source or quoting accurately. You are expected to exercise reasonable care to ensure that you do not represent the work of another person as your own. Please note that even unintentional, negligent plagiarism violates both the Law School's Code of Conduct and the Legal Research and Writing Code of Conduct. The Legal Research and Writing

Code of Conduct provides examples of acceptable and unacceptable conduct. If you have any questions about this policy, please ask your Instructor.

Collaboration

Unauthorized collaboration also violates the Code of Conduct. You are encouraged to discuss any writing assignment in this course with others. You may not, however, submit or bring to a tutorial written work that has been researched, outlined, written, edited, proofread, or critiqued, in whole or in part, by any individual other than you, your Legal Writing Instructor, the Director of Legal Writing, the Director of Academic Success, one of the law school's Academic Success Tutors, or persons specifically authorized by your Instructor. This means that classmates may discuss research strategies and the substance of cases found through research, but may not exchange a list of case citations. (Please note that that rules concerning authorized research collaboration are slightly different for the research lab component of the course; please check your Research Syllabus.) Classmates may discuss their ideas on how a memorandum might best be organized, but may not jointly prepare a written outline. Classmates may discuss the substantive ideas they intend to express in their writing assignments, but may not review each other's written work. Unless you have been informed otherwise by your Instructor, you may not look at another student's written work, nor may you show another student your written work, until after the work has been submitted to your Instructor. Assignments that are components of the major graded assignments may not be shared between students, even after they have been submitted to your Instructor. Your Instructor will identify these assignments.

We do not allow you to have your written work edited or proofread by other individuals, except during occasional class exercises, for two reasons. First, we want you to learn to edit, proofread, evaluate, and revise your own work. Second, your Instructor needs to know if you are

having a problem with some aspect of legal writing or analysis so the problem can be corrected before you finish your first year of law school.

When one student voluntarily allows another student to use his or her work to produce a written assignment, both students have violated the Code of Conduct. The Legal Research and Writing Code of Conduct provides examples of acceptable and unacceptable conduct. The line between a permissible exchange of ideas and unauthorized collaboration is usually clear, but at times can be difficult to draw. If you have any questions about this policy, please ask your Instructor.

Library Resources

If you wish to obtain research materials not readily available to other law students (e.g., a brief available only from a court clerk or an attorney), you must first obtain approval from your Instructor and then seek the help of library staff in obtaining the materials. This rule is necessary to avoid duplicate requests being sent to individuals not affiliated with Hamline University.

The assignments in this course result in a large number of students wanting access to the same source materials. Please be courteous to your fellow students and to others who use the library. Do not keep books off the library shelves for lengthy periods of time. If a case, statute, or law review article seems important, copy it or note the citation so you can retrieve it from an online service and reshelve the volume. Please remember to reshelve any books you use. Deliberate interference with the research efforts of others is a violation of both the Legal Research and Writing Code of Conduct and the Law School Code of Conduct. If you have any questions about this policy, please ask your Instructor.

Other Resources

You may not use any citation-correcting program or software for your work in this course. If you have questions about what resources you may use, please consult your Instructor.

OPPORTUNITIES FOR ADDITIONAL ASSISTANCE

Students who need additional assistance in Legal 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 students with writing skills, skill development (including case reading, analysis, and synthesis), substantive review of courses, outlining, exam taking, and general academic performance issues.

All Academic Success Tutors have expertise in Legal Writing and are available to assist with certain aspects of Legal Writing 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.

Additional assistance for Legal Writing may also be obtained from second-year and third-year student volunteer tutors. Please see your Instructor if you think you would benefit from working with a student volunteer tutor; do not arrange to work with another student without your Instructor's permission.

BEYOND LEGAL WRITING

While most students are sufficiently motivated by the prospect of improving their skills to do well in Legal Research and Writing, you should be aware that extra effort devoted to this course may open other opportunities. Most applications for law-related employment during the summer after the first year of law school are submitted when the only legal memoranda and

briefs students have written are Legal Research and Writing assignments. The writing sample you submit to prospective employers this year will probably be one of the assignments you complete for Legal Research and Writing.

Most applications for law-related employment during the summer after the second year of law school are submitted the preceding fall. Unless you do significant legal writing during the summer between your first and second years, the writing sample you submit to prospective employers during the second year will again probably be one of the assignments you complete for Legal Research and Writing.

Further, additional writing opportunities are available during the second and third years of law school. Hamline Law School publishes the Hamline Journal of Public Law and Policy. Managed and edited by students, the Journal serves as a forum for addressing the role law should play in society. In recent years, each Legal Research and Writing Instructor has been asked to recommend a certain number of students for positions on the Journal staff. Other students may obtain positions on the Journal staff based on a revised copy of the Appellate Brief written in Legal Research and Writing and submitted to the Board of Editors of the Journal. All students selected for positions on the Journal staff must have a minimum grade point average of 2.5.

The Hamline Law Review is a student-run journal that publishes articles by members of the academic community, judges, practicing attorneys, and students. Law Review membership is an academic honor reserved for students with high levels of academic achievement and excellent writing skills. In recent years, students who were in the top ten percent of their first-year class or the top ten percent of their first-year section were invited to join the Law Review. Other students with a grade point average of 2.5 or above could attempt to “write on” by submitting a writing sample on a topic announced by the Law Review Board at the end of the academic year.

Hamline Law School also participates in a number of moot court, mock trial, and practice skills competitions that allow students to refine their written and oral advocacy skills with the assistance of a faculty member or practicing attorney. Students compete against teams from other law schools. Competitions are held in a variety of subject areas, including tax, labor, international, and civil-rights law, and in a variety of formats, including arbitration proceedings and appellate, criminal, civil, and international court proceedings.

Students wanting to join a team may be asked to submit a writing sample and deliver an oral argument based on that writing sample. Many students have used the Appellate Brief written in Legal Research and Writing for that purpose. Competitions for participation on a moot court, mock trial, or practice skills team are held at various times throughout the year and have varied selection processes. A few of these teams are open to first-year students. You should watch for announcements on the monitors, and check the Competitions TWEN site periodically, to be sure not to miss the application process for a competition that interests you.

A FINAL COMMENT

We hope Legal Research and Writing will be a rewarding experience for you. Please remember that your Instructor and the Director of Legal Writing are here to help you improve your research, analytical, and writing skills. The assignments and policies described in this manual are subject to change if necessary to meet unforeseen challenges. Please feel free to discuss any questions you may have about this manual or about any aspect of the Legal Research and Writing course with your Instructor or with Mary Trevor, Director of Legal Writing. We hope you have a wonderful first year of law school.

APPENDIX¹

HAMLIN UNIVERSITY SCHOOL OF LAW

LEGAL RESEARCH AND WRITING CODE OF CONDUCT

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 classes.

For this reason, we provide you with this Code of Conduct and with comments and illustrations concerning ethical problems that may develop in your Legal Writing classes. We cannot anticipate every problem, 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.

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.

¹ Acknowledgment: These materials are based in large part on materials developed by the Chicago-Kent College of Law Legal Writing Program.

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.**

Note that intent is not a required element of plagiarism. Negligent plagiarism also violates the Code of Conduct.

3. Illustrations

- a. Student A finds a draft of Student B's Research Memorandum lying on a table in the library. Student A takes the draft and uses it as a model for her own Research Memorandum.

Student A has violated the Code of Conduct.

b. Student B writes a Research 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 a Research 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 Research 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 a Research Memorandum using several exact sentences from cases. She cites the appropriate case after each sentence but does not use quotation marks to indicate which are the words of 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

Collaboration on legal research exercises allows students to share insights on how to use various materials. Students also need to learn effective techniques for collaborating and communicating about the law. With respect to memoranda and briefs, however, students learn the most by producing their own work. A 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 assignments, including the written work students prepare for tutorials.

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 Research 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 Research 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.

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 properly, 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.

Consistent, willful evasion of page limitations on papers through the use of improper fonts and margins is also an attempt to gain an unfair advantage. 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. 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 Appellate Brief 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

The Legal Research and Writing 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. If for any reason you are reluctant to see your Instructor, please contact Mary Trevor, Director of Legal Writing, Room 306D. Professor Trevor’s telephone number is 651-523-2487 and her email address is mtrevor@hamline.edu.