NOTES:  Regular class time is 8:15 - 11:15.  Please check the syllabus each class session for variations.

This is a draft.  The official syllabus will be distributed in the first class period.

Introduction and Course Objective

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.  Over the next three semesters, Hamline’s Legal Research and Writing program will help you develop the legal research and writing skills necessary to become a competent lawyer.

In the first semester you will learn the fundamentals of legal research and citation.  You will also learn the basic structure of a legal document as you write an objective office memorandum.  The second semester will focus much more heavily on writing and legal analysis.  You will continue to acquire research and citation skills and you will have the opportunity to apply those skills to another office memorandum.  You will also be introduced to advocacy writing.  The third semester of legal writing will focus on appellate advocacy and oral argument.
TEXTBOOKS

Required textbooks:

New for this semester:


Used fall semester:


McGaugh and Hurt, *Interactive Citation Workbook for Bluebook Citation Manual 2007 Edition* (LexisNexis) (“Interactive”)

Recommended textbooks

The following references and study aids are available in the library, bookstore, and/or online sources such as amazon.com.


COURSE RULES

Important Note:

All class rules listed in the Fall Syllabus, Student Manual and Code of Conduct including, but not limited to, attendance, turning in assignments and related penalties, laptop policy, and ethical rules apply to Spring Semester. The document is available on the course website.

Change in Calculating Maximum Assignment Length

Assignments will now be given a word count limit, rather than a page limit. You should still follow the format guidelines listed in the manual, including those for line spacing and font size and type. The maximum word limit will be provided for you on the cover sheet for each assignment.

The word limit will be checked by me solely by using the word count function in Microsoft Word. This feature is accessed by clicking on Tools and then Word Count.
### Spring Semester Grading and Point Total

<table>
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<th>Assignment</th>
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The following are each worth 2 points, unless noted:

- Federal Statute Citation Exercise
- State Statute Citation Exercise
- Short form Statute Citation Exercise
- Signals Citation Exercise
- Parentheticals Citation Exercise
- Electronic, Internet, and Nonprint Sources Citation Exercise
- Statutes Research Exercise (4 points)
- Research Memo Research Assignment
- Research Memo Question Presented Draft
- Research Memo Outline (used in Law firm Meeting)
- Trial Level Memo Research Exercise

| Total                                      | 24     |

Semester Point Total                       | 106    |
**Midterm Writing Examination**

The midterm examination will be modeled after the Multistate Performance Test, a component of the bar exam in Minnesota and most jurisdictions. The exam materials will consist of a fact pattern, cases, and possibly statutes and/or other legal sources. The exam will require you to draft an office memorandum.

An overview of the Multistate Performance Test can be found at: [http://www.ncbex.org/multistate-tests/mpt/](http://www.ncbex.org/multistate-tests/mpt/). You will also find past MPT questions on the website (NOTE: the MPT questions can cover a variety of skills (although generally it is a writing question), but our exam will definitely consist of a closed memo).

**Citation Quiz**

The citation quiz will cover the material presented in the readings and exercises from this semester only. The format will be the same as Fall Semester: multiple choice/true false questions. You will be allowed to use your Bluebook.

**Law Firm Meetings**

On 2/8 and 2/15 we will be having law firm meetings. Each meeting will consist of a small group of students meeting with me to discuss the Research Memorandum problem. I will play the role of a senior partner and you a junior associate. You should be prepared to discuss your research, what you have determined to be the applicable law, and the key arguments for both parties.

Preparation is the key to a successful law firm meeting. I will not be lecturing about the problem, but rather, in the role of a senior partner, asking questions as an attorney who is not knowledgeable of the particular facts or detailed legal standards applicable to our memorandum problem. Those participants who are well-prepared will benefit in the preparation of their memos.
1/18  (8:15 – 11:15)

**Class Discussion and Exercises**

Discussion of second semester
Introduction to statutes and rules of procedure
Introduction to statutes and rules of procedure research
Statutes Citations – full and short
Discussion of the Research Memorandum
Research strategies for the Research Memorandum
Organizing your research

**Assignments for class this week**

**Reading**

- **Research Memorandum Problem Set** (available on the course website one week prior to the 1st class meeting)
- **Partner Selection Sheet** (available on the course website)

**Comments on your Closed Memorandum**

- Process, Chapters 11, 12, and 16
- Interactive, Chapters 6, 7, and 8

**Research Exercises**

1. Statutes Research Exercise (worth 4 points)

   *This exercise is completed through the course website (same as last semester) and is due by 10 p.m. on February 8th.*

**Citation Exercises**

1. Federal Statute Citation Exercise, questions 1-7 *(Interactive exercise 6)*
2. State Statute Citation Exercise, questions 1-7 *(Interactive exercise 7)*
3. Short form Statute Citation Exercise, questions 1-7 *(Interactive exercise 8)*

   *These exercises are completed through the Interactive Citation Workbook website (same as last semester) and are due by 10 p.m. on February 8th.*
Notes:

1. The Research Memorandum assignment will be available on the course website at least one week prior to the 1st class meeting. It is important that you read the problem set completely prior to class, as you will begin formulating research strategies with your partner in class.

2. We will be selecting writing partners for the Research Memorandum in the first class session. A sheet entitled “Partner Selection” will be emailed prior to the first class and will be available on the website.

3. If you have not already done so, pick up your critiqued closed Memorandum from the Registrar’s Office.

4. The Process chapters assigned for last semester will not be re-assigned, but it is recommended that you review chapter 1 and any other chapter that may help you develop and conduct your research.
Class Discussion Topics:

Lexis and Westlaw training – Rooms will be assigned prior to the training. You will have one training session from 9-9:50 and the second from 10-10:50.

Reading:

- No required reading assignment. However, it is **highly recommended** you review the reading assignments from last semester related to rules of law (9/14), case illustrations (9/28), and arguments (10/5). The Fall syllabus is available on the course website.

Notes:

1. The Westlaw and Lexis training sessions will be tied to both your Research Memorandum and the Research Exercise.

2. The reading assignments for next week are fairly extensive and you may wish to get a head start this week.
Class Discussion and Exercises

- Review of Types of Arguments
- Discussion of Policy Arguments
- Introduction to drafting a Question Presented
- Introduction to drafting the Statement of Facts
- Review of memorandum format
- Case law and rule Selection process
- Discussion of the Research Memorandum and Outlining

Reading:

- *Persuasive Writing*, Ch. 8 (pp 87-98)
- *Just Writing*, Ch. 1-3
- *Process*, Chapter 17
Most law school courses spend a substantial amount of time discussing the policy issues inherent in the course subject matter. These broad, philosophical discussions, in turn, often give rise to interesting discussions (at least to us) among law students at a favorite watering hole, (and may be used to dazzle non-law school friends and woo potential mates). Once lawyers begin practicing, however, these grand intellectual ideas and concepts are often shoved aside as the lawyer focuses on established rules and cases and strives to convey the factual details. This need not, and should not, be the case, as policy considerations should play an important role in any argument presented to a court.

While it is difficult to "categorize" types of policy arguments, we will do so for the sake of structure. The use of policy arguments can be broadly divided into two basic types of cases: (1) cases where you are arguing how your case fits within well-established legal rules and principles; and (2) cases where you are arguing for or against the adoption of a new cause of action or a significant alteration or expansion of existing law. There is not an easy line to draw between the two types of cases and the reasoning process and development of policy arguments is similar in both situations. Of course, every appellate decision alters, in some small way, the existing common law. In future columns we will look at some guidelines and tips for creating effective policy arguments for the two case types noted above. In this column, we will review some of the basic principles that govern the structure, use, and style of all policy arguments.

**NOT AN EQUITY ARGUMENT**

A good working definition of a policy argument is an argument that addresses the implications of a possible decision in terms of society as a whole, a significant segment of society, or a specific industry. On the other hand, equity arguments focus on what is fair to a specific litigant in the case. While equity arguments may occasionally have their
place, broad policy arguments are generally more effective because policy arguments allow a judge or a panel of judges to make a decision based upon the broader good rather than simply a preference for one party's predicament. The difficulty lies with our natural tendency to want to always be advancing our client's position. A good policy argument requires the attorney to "step back" from a client-specific argument and look at the larger ramifications of the decision.

For example, suppose you are defending an employee against a claim by a former employer that she violated a noncompete agreement. After working for the company for six months, the employee signed the agreement in exchange for a bonus of only a couple of hundred dollars and under an implicit threat that she would be fired if she did not sign. Your argument is that she did not receive adequate consideration, as is required when a noncompete is signed after commencement of employment. An equity argument might read as follows:

Finding for the employee here is fair because she signed only because of the threat of termination and not due to a true meeting of the minds.

A policy argument would likely be more effective and yet still convey the same basic message:

Finding that no consideration existed here will greatly benefit all employees in Minnesota and serve to further the basic purpose of the requirement of consideration for noncompete agreements signed after the commencement of employment. Employers would be required to provide a significant inducement to employees to sign noncompete agreements rather than offering a token benefit along with the implicit threat of termination or demotion.

The policy argument places the issue in the broader societal picture and is likely to be more effective than a basic plea for fairness.

USE IN TRIAL COURTS

While trial courts obviously have no binding authority, you should not eschew policy arguments in that forum. A trial court judge will still want to look at the broad societal implications of her decision and will want to make a decision that is consistent with the underlying purpose of the existing law, the two basic purposes for making policy arguments. Making the trial court judge aware of the policy implications of her decision is particularly important if you are addressing an issue that will have a standard of review at the appellate court level of anything other than de novo. If the trial court's decision is going to be given any deference at all by the appellate courts, the trial judge must be made aware of the possible policy implications of his or her decision. [FN1]

PLACEMENT AND SUPPORT OF THE ARGUMENTS

Too often attorneys treat policy arguments as somehow different from their case law and statutory analysis arguments. The policy arguments are often tacked on at the end of the arguments section and include the sources of support right within the arguments themselves. Instead, your policy arguments should be woven in with your case law and rule-based arguments. For example:
Like the employee in Davies, who received training and a promotion in exchange for signing a noncompete agreement, Mr. Jones received four weeks of vacation for signing. Further, finding adequate consideration here is consistent with fundamental contract law principles and will benefit the Minnesota economy ....

It is also beneficial to include the support for your policy arguments in your rule of law, instead of saving it to immediately precede your policy arguments. As will be discussed more fully in subsequent columns, support for your policy argument may come from a variety of sources, including statutes, case law, and treatises. Providing this support in your rule of law allows these principles to filter down through your entire analysis. Indeed, you may even find that the policy rules become the theme for your entire argument.

**STRUCTURE AND STYLE**

Because policy arguments are at least somewhat philosophical in nature, an attorney can easily find himself writing freestyle and using a policy argument section to show his intellect, or sometimes even to espouse his views on tangential matters. However, a disciplined approach is needed in this as in any other legal argument. You should work to make your policy arguments as concise as possible and as well-supported by legal authority as possible. Avoid repetition; no matter how brilliant your insight, the judge need only read it once. Finally, while you certainly want to be a strong advocate for your client, remember to be reasonable. It is unlikely that society would suddenly collapse if your opponent were to prevail, nor is it likely that the world would be rid of evil if your client were to triumph. A reasonable, focused prediction of the effect of the decision will be most persuasive.

Following some of these basic guidelines will help create argument sections that not only analyze cases and statutes, but also integrate the broader public policy implications of the decision. And who knows, you may still be able to dazzle your nonlawyer friends with your philosophical intellect.

[FNa1]. KENNETH R. SWIFT is an attorney and serves as an instructor in legal research and writing at Hamline University School of Law.

[FN1]. See e.g. Valentine v. Lutz, 512 N.W.2d 868, 871 (Minn. 1994) (the court first noted that the statutory stated purpose of juvenile law is to "preserve and strengthen the child's family ties whenever possible and in the child's best interest" and then held that a trial court's decision as to who may intervene in a CHIPs proceeding would not be overturned absent an abuse of discretion).
In the October 2004 edition of this column, we surveyed some of the principles for effective presentation of all policy arguments. The column also noted that the presentation and development of the policy argument differs depending on whether you're addressing a truly new area (or extension) of the law, or arguing from a fairly well-established nucleus of legal principles. This column addresses the latter scenario.

The majority of cases and issues do not deal with new legal theories or significant alterations or extensions of existing law. Most cases involve legal issues and factual scenarios that have at least some resemblance to prior decisions and established legal rules. For these types of cases, often the key is to argue how your case is consistent with the prior decisions and rules. While this process relies heavily on case law analysis (see previous articles on presenting and using case law effectively in the October 2003 and March 2004 editions of this column), policy arguments still can, and often must be made to augment the case law arguments and effectively present the case. An effective policy argument in this scenario answers two basic questions:

1. What is the purpose of the law?
2. Why is a decision in favor of my client consistent with that purpose?

DETERMINING PURPOSE

The first, and usually the more difficult step is to determine the purpose of the law. Sometimes the purpose of the law is well-settled and not in dispute between the parties. Other times the purpose behind the applicable law has not been stated by the Legislature or the Court and is left to interpretation and argument. Places to look for the purpose of the law include the applicable statutory section, prior decisions, and secondary sources such as treatises and law reviews.

If your analysis emanates from a statute, the first place to look is within the statute itself. Most statutory sections today are passed as part of an act and will usually include the stated purpose for the act. For example, the Minnesota No-Fault Act enumerates five purposes, including the prevention of "overcompensation of those automobile accident victims who suffered minor injuries by restricting the right to recover general damages to
the cases of serious injury." [FN1]

A court will sometimes explicitly state the purpose behind the law. While courts will not do so in every case, if you are analyzing an issue with a large body of prior case law it is usually well-worth your while to read all of the cases because at some point the court likely stated the underlying purpose of the law. For example: "The purpose of trademark law is to protect the public from confusion regarding the sources of goods or services and protect business from diversion of trade through misrepresentation or appropriation of another's goodwill." [FN2]

Courts will quite often look to treatises and law reviews for statements of the purpose of the law and, therefore, so should the attorney in his or her brief or memorandum. In particular, the Restatements [FN3] and other treatises [FN4] have been frequently cited. Courts tend to rely heavily upon certain texts or authors and it is a good idea to skim through prior decisions to determine the favored authors before including a citation from a secondary source. [FN5]

SYNTHESIZING PURPOSE

Another potentially very effective way to determine the underlying purpose of the law is through a synthesis of purpose from prior court decisions. Sometimes the word synthesis takes on an almost mystical holding when scholars discuss legal analysis, as if staring hard enough at a pile of cases will inevitably lead to an "Ahâ" moment -- like Hart has in Professor Kingsfield's class in The Paper Chase -- and understanding of the true meaning behind the court's decisions. In reality, synthesis is just a process by which an attorney breaks down, compares, and blends the key facts from several cases.

To provide an effective basis for arguing that there is an underlying theme or purpose behind a court's decisions in a certain area of the law, you generally need several case opinions spread out over many years. If a certain area of the law has been "hot" for just a couple of years, it is hard to argue that there is some underlying reasoning behind a court's decisions that is not readily apparent from the decisions themselves. In addition, you cannot really synthesize purpose from only one or two cases.

Once you have located several decisions that pertain in some way to your issue, you must methodically go through each case and determine which facts lead to the court's decision in each case. Then you can begin to compare the important facts from each decision in search of an underlying theme -- a certain fact or set of facts that lead to a particular decision. One effective way of organizing this analysis is to create a matrix with the names of the cases down the left-hand side and the facts that were important to the court's decisions along the top. This provides an easy visual aid to determine if there are any facts that *35 have consistently led to a particular decision. A synthesis of materials from existing cases will not always reveal a clear-cut pattern of facts, but, when it does, it provides a very strong argument as to the underlying purpose of the law.

CONSISTENCY WITH PURPOSE

The second step is relatively straightforward and routine for a practitioner who regularly
engages in advocacy. Once the purpose of the law has been established (through argument, if necessary), that purpose can be treated as just another rule of law. The advocate then argues why a decision in her client's favor is consistent with that purpose. The tips from last October's column regarding the placement of the policy arguments and the structure and style of the argument apply here.

Providing and explaining the underlying purpose of the law and showing why a decision in your client's favor is consistent with that purpose will, when combined with strong analysis of pertinent case law and statutes, create a fully developed argument in that majority of cases where you are arguing from established law.

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[FN1]. Minn. Stat. § 65 B.42.

[FN2]. Minneapple Co. v. Normandin, 338 N.W.2d 18, 22 (Minn. 1983). See also Anderson v. Anoka Hennepin Independent School District, 678 N.W.2d 651, 656 (Minn. 2004) (The purpose of official immunity is to "protect public officials from the fear of personal liability that might deter independent action and impair effective performance of their duties.")

[FN3]. See e.g. Elwood v. County of Rice, 423 N.W.2d 671, 678 (Minn. 1988) (citing Restatement (2nd) of Torts § 895D for the proposition that "Official immunity, on the other hand, protects public officials from the fear of personal liability that might deter independent action and impair effective performance of their duties.")

[FN4]. See e.g. Larson v. Dunn, 449 N.W.2d 751, 756 (Minn. App. 1990). (citing Prosser & Keeton on the Law of Torts § 1, at 6 (W. Keeton 5th ed. 1984) for the proposition that "The purpose of tort law is to allocate losses arising out of human activities.")

[FN5]. In addition to the Restatements and Prosser, noted above, other common treatises cited in Minnesota include Appleman, Insurance Law & Practice; Arthur L. Corbin, Corbin on Contracts; and Wright & Miller, Federal Practice and Procedure. These are, of course, just a sampling and most major subject areas will have one or two treatises that are commonly cited.
One of the most exciting, and important, arguments a lawyer makes is for or against a significant addition to or change in the law.

Whether the issue be the adoption of a new cause of action or legal theory or a significant extension or alteration of existing law, the arguments the attorney makes will have a significant impact on the law and, correspondingly, on society.

While obtaining reversal of an established precedent or expansion or limitation of existing law is not easy, sometimes the facts of a client's case or justice itself necessitate making these arguments.

Minnesota has a longstanding tradition of openness to changes in the law and our Supreme Court has explicitly rejected the notion that only the Legislature may create a new cause of action. [FN1] Speaking more broadly, the Court has stated:

As society changes over time, the common law must also evolve: It must be remembered that the common law is the result of growth, and that its development has been determined by the social needs of the community which it governs. It is the resultant of conflicting social forces, and those forces which are for the time dominant leave their impress upon the law. It is of judicial origin, and seeks to establish doctrines and rules for the determination, protection, and enforcement of legal rights. Manifestly it must change as society changes and new rights are recognized. To be an efficient instrument, and not a mere abstraction, it must gradually adapt itself to changed conditions. [FN2]

ASK THE KEY QUESTIONS

The attorney preparing such an argument needs first to ask and answer two key questions:

• What law is in the best interest of the public and society?
• Why does the decision for which I'm arguing best meet this interest?

Asking and answering these questions will help break down the argument on terms that anticipate the court's analysis of the policy implications of the decision.

One good example of how a court will break down the policy implications of a decision can be found in the well-written opinion of Justice John Simonett in Erickson v. Curtis Inv. Co. [FN3] The issue was whether a parking ramp owner could be held liable for an attack by a third party on one of the ramp patrons. In determining whether to make a significant addition to Minnesota law, the Minnesota Supreme Court first noted that adding such a duty was a question of policy. [FN4] The Court then went on to review three specific policy concerns before ultimately deciding that a parking ramp owner has a duty to use reasonable care to deter criminal activity on its premises that may cause personal harm to customers. [FN5]

STATE YOUR PROPOSED RULE

One key to arguing what the law should be is to state your proposed new rule clearly and explicitly. Too often attorneys will simply launch into an analysis of and arguments for a new rule without ever making explicit what language they are asking the court to adopt. [FN6] This step is important both for the argument itself and for the attorney writing it. The court will find it much easier to follow an explicitly stated argument and the attorney, by making the effort to be completely clear about the rule or extension being sought, will find it easier to demonstrate how the sources cited support the argument and why the rule should be adopted.

LOOK FOR SUPPORT

Since an argument for change or extension of existing law implicitly raises issues of first impression, there obviously will not be binding law on which to base the arguments. In that situation, however, it is all the more critical that the attorney find support for the policy arguments. Identify as many sources as possible that are consistent with your argument regarding what the law should be and make these sources part of your brief to the court. There are many places to look for support for your argument, including previous decisions from the home jurisdiction, case law from other jurisdictions, and treatises and law reviews.

A court will usually start its analysis by looking at some of its own previous decisions (and/or those of a higher court in its jurisdiction) that address issues at least somewhat similar to the issue involved. (For example, in Curtis, the Supreme Court began by reviewing some of the previous decisions dealing with innkeepers and common carriers. [FN7]) Therefore, a very effective way to support and develop your policy arguments as to what the law should be is to show how it emanates from the existing law. The court will want to remain as consistent as possible with its previous decisions. Analysis of such precedents should proceed through determining the purpose of the underlying law and articulating how the proposed decision is consistent with that purpose. A similar analysis was described in detail in my earlier article on making policy arguments from established legal principles. [FN8]
One of the most common places that courts turn when faced with a decision on a new cause of action or legal theory is cases *25 from other jurisdictions, including both the majority and minority opinions. [FN9] Treatises and law reviews are another key resource; nowhere in the law are these more relied upon by the courts than in determining what the law should be. These sources can also be very useful in phrasing and developing step one of your analysis, which is to explicitly state the proposed rule. [FN10]

**IT COMES DOWN TO THE ATTORNEY**

Ultimately, the policy arguments in these types of cases are dependent upon the attorney. Nowhere else in the law is the attorney's own intellect and creativity more useful than in arguing what the law should be. While any argument as to what the law should be is more effective if there is some support to which the attorney can cite, be it a persuasive case, treatise, or law review, the attorney should not be afraid to propose and argue new concepts and provide analysis as to why a certain course of action is best for society. For example, in Curtis, two of the policy considerations the Court considered and mentioned prominently in its opinion came directly from the attorneys involved (although ultimately they were not fully successful). [FN11]

Opportunities to have significant impact on the direction of the law are rare for most attorneys. Following the principles above to propose a clear rule for the court to adopt and to support that rule provide a solid structure for the attorney to take advantage of the opportunity.

[FNa1]. **KENNETH R. SWIFT** is an attorney and serves as an instructor in legal research and writing at Hamline University School of Law.

[FN1]. Lake v. Wal-Mart Stores, Inc. 582 N.W.2d 231, 235 (Minn. 1998).

[FN2]. Tuttle v. Buck, 119 N.W. 946, 947 (Minn. 1909); Lake, 582 N.W.2d at 234.


[FN4]. Id. at 169.

[FN5]. Id. at 169-170.

[FN6]. Much of this section of the article is phrased in terms of the party moving for the change in the law; oftentimes the opposing attorney will simply be arguing for the status quo (which should also be made clear).

[FN7]. Erickson, 447 N.W.2d at 168.

[FN9]. See e.g., Wojciak v. Northern Package Corp., 310 N.W.2d 675 (Minn. 1981).

[FN10]. See e.g. Lake, 582 N.W.2d at 233 (Relying upon the Restatements for the phrasing of the four proposed privacy torts).

[FN11]. Erickson, 447 N.W.2d at 169.

END OF DOCUMENT
Class Discussion Topics:

Law Firm Meetings
Partner Work Time

Notes:

1. The Research Memorandum outline is due at the time of your Law Firm Meeting and will be used to conduct the meeting.

2. Bring copies of the pertinent statutes and of the cases you selected for the Research Memorandum to your Law Firm Meeting.

3. You should plan to use the remaining class time on this date to work with your partner.

Due:

- The following must be completed by **10:00 P.M.**:
  
  A. Federal Statute Citation Exercise, questions 1-7 (*Interactive exercise 6*)
  B. State Statute Citation Exercise, questions 1-7 (*Interactive exercise 7*)
  C. Short form Statute Citation Exercise, questions 1-7 (*Interactive exercise 8*)
  D. Statutes Research Exercise
2/15 (full class meeting from 10-11:15)

Class Discussion Topics:

- Law Firm Meetings (continued)
- Partner Work Time
- Executive Summary of the Law Firm Meetings
- Discussion of the Research Memorandum
- Citations: Signals, Parentheticals and Electronic, Internet, and Nonprint Sources

Reading:

*Just Writing*, Ch. 4-6
*Interactive*, Chapters 13, 14, and 16

Assignments

The following citation exercises are due by 9 a.m. on March 15:

1. Signals Citation Exercise, questions 1-7 (*Interactive* exercise 14)
2. Parentheticals Citation Exercise, questions 1-7 (*Interactive* exercise 13)
3. Electronic, Internet, and Nonprint Sources Citation Exercise, questions 1-7 (*Interactive* exercise 16)

Notes:

1. The Executive Summary from 10-11:15 will highlight common discussions and ideas from the Law Firm Meetings and also discuss the citation chapters
2. The Research Memorandum outline is due at the time of your Law Firm Meeting and will be used to conduct the meeting.
3. Bring copies of the pertinent statutes and of the cases you selected for the Research Memorandum to your Law Firm Meeting.
4. You should plan to use the remaining class time on this date to work with your partner.
2/22 (9:00 -11:15)

Class Discussion Topics:

   Editing the Research Memo
   Research Memo Question and Answer

Reading:

   Just Writing, Ch. 8-9

Due:

   Bring a completed rough draft of your Research Memorandum to class. If you wish to participate in peer review exchange, you must bring 2 copies of your memo to exchange.

Notes:

   1. Participation in peer review is optional. To participate in peer review exchange you must have a completed rough draft. If you choose not to participate in peer review, or do not have a completed rough draft, you will edit your own memo.

   2. The Research Memorandum is due Sunday March 1st, by 9:00 a.m. in the registrar’s office. You must turn in both a paper copy and an electronic copy on a disc. Note that this assignment will not be turned in anonymously; make sure both names are on the envelope and memorandum.
3/1 (9:00-11:15)

Class Discussion Topics:

We will have a mediation demonstration based upon the Research Memorandum assignment.

Reading:

Mediation exercise materials distributed in class.

Due:

The Research Memorandum is due Sunday March 1st, by 9:00 a.m. in the registrar’s office. You must turn in both a paper copy and an electronic copy on a disc. Note that this assignment will not be turned in anonymously; make sure both names are on the envelope and memorandum.

Note:

The Trial Level Memorandum problem will be distributed in-class.
3/8 (no class meeting)

Class Discussion Topics:

No Class Meeting

Reading:

_Persuasive Writing_, chapters 2, 7, 11, and 13

Due:

1. The Trial Level Memorandum research assignment is due next Sunday.
2. The following citation exercises are due next Sunday:
   a. Signals Citation Exercise, questions 1-7 (Interactive exercise 14)
   b. Parentheticals Citation Exercise, questions 1-7 (Interactive exercise 13)
   c. Electronic, Internet, and Nonprint Sources Citation Exercise, questions 1-7 (Interactive exercise 16)
3/15 (8:30 -11:15)

Class Discussion Topics:

Introduction to advocacy
Introduction to advocacy ethics
Differences between an objective memo and a persuasive memorandum
Structure of a trial level memorandum
Professional Rules
Discussion of common problems on the Research Memorandum
Discussion of the midterm exam

Reading:

*Persuasive Writing*, chapters 2, 7, 11, and 13

Due:

1. The Trial Level Memorandum Research Assignment.
2. The following citation exercises:
   a. Signals Citation Exercise, questions 1-7 (*Interactive* exercise 14)
   b. Parentheticals Citation Exercise, questions 1-7 (*Interactive* exercise 13)
   c. Electronic, Internet, and Nonprint Sources Citation Exercise, questions 1-7
      (*Interactive* exercise 16)

Note:

During class you will sign-up to represent a party for the writing of the trial level memorandum. If you are unable to attend class, you will be assigned a party. Party selections will be posted on the class website later today.
3/22 (8:15 – 11:15)

Class Discussion Topics:

The Statement of Facts, persuasive writing
Discussion of the Trial Level Memorandum
Citation Quiz

Reading:

*Persuasive Writing*, chapters 8 (pp. 98-101), 9 and 12

Due:

Notes:

1. We will have the Citation Quiz at the end of class today.
2. Bring your Bluebook for the quiz.
3. You must have your mid-term number.
Class Discussion Topics:

Mid-term exam.

Reading:

None.

Notes:

1. The midterm will begin at 8:15
2. You will be given three hours to complete the exam
3. Bring your midterm exam number to class
4/12

8:15-9:15: Lecture: Review of differences between objective and persuasive writing / editing
9:15 -11:15: Peer Editing
11:15 -1: Open office hours

Due:

1. From 8:15-9:15 I will present a brief review of the differences between objective and persuasive writing, including some editing differences. There will also be a general question and answer period.

2. From 9:15-11:15 you may choose to participate in a peer review exercise where you may exchange your brief with another student. Review guidelines (similar to the previous classroom editing exercises) will be provided. You may either choose a partner to exchange with or I will facilitate exchanges. Notes:
   a. To participate in the exchange you must have a complete rough draft of your discussion section
   b. The review must take place within the classroom
   c. No further review/discussions may take place after the exercise.

3. The Trial Level Memorandum is due Sunday, April 19 by 9:00 a.m. in the registrar’s office. You must turn in both a paper copy and an electronic copy on a disc. Note that this assignment will be turned in anonymously using only your final exam number.
Class Discussion Topics:

- Oral Arguments based on your written motion
- Course Evaluations

Due:

The Trial Level Memorandum is due Sunday, April 19 by 9:00 a.m. in the registrar’s office. You must turn in both a paper copy and an electronic copy on a disc. Note that this assignment will be turned in anonymously using only your final exam number.

Notes:

Bring 3 copies of your Trial Level Memorandum to class.