

Lawyering Skills I
Fall 2006
Professor Christensen

Section A(2) meets in Room 321 on Tuesdays and Thursdays from 9:00 to 10:25 a.m.. Section B meets in Room 321 on Tuesdays and Thursdays from 3:00 to 4:25 p.m.

Course Overview

This course will introduce you to many of the practical skills essential to success in any kind of law practice. Although our focus will be on developing your legal analysis and writing skills, the course also will introduce you to client interviewing and communication skills. As we simulate the kinds of things that attorneys do, we also will begin to examine some of the ethical issues attorneys face in the process of legal problem-solving and to explore an attorney's duties to the client, the profession and the legal system.

Our approach in this course will be hands-on and practice-oriented. The skills you learn in this course will help you write better final exam answers in your other courses, will prepare you for your upper-level writing courses, will provide you with a writing sample for future job interviews, and will prepare you for the bar exam and law practice. Within a few weeks after starting law school, you will be working on the same kinds of case-review, analysis, and writing projects you will encounter as a summer law clerk and eventually as an attorney.

We will begin the semester focusing on predictive legal writing (an office memorandum) and end the semester discussing persuasive legal writing (a motion and/or other trial level brief). You will have three major assignments: a Legal Memo (Single Issue); a Legal Memo Revised with a New Second Issue; and a Trial Level Brief.

Specifically, the objectives for this fall semester are as follows:

1. Learn how to brief a case;
2. Learn how to actively read and analyze judicial decisions and statutes;
3. Synthesize cases and statutes to determine the rule of law;
4. Organize and explain the rule of law;
5. Apply facts to the rule of law;
6. Outline and organize a discussion section;
7. Draft an accurate and professional legal memorandum;
8. Begin to understand persuasive writing;
9. Draft a trial level brief;
10. Discuss ethical concerns of lawyers and the choices lawyers make in legal writing; and
11. Learn basic citation rules in the ALWD format.

Office Hours

My office hours will be posted on my office door.

I am also available by appointment so please feel free to contact me at any other time. Further, I am available to answer student questions when I am in my office at times in addition to those listed above. My office is in MSL 314. My direct line is (651) 962-4869. Feel free to call or leave a note on my door if I am not in my office. You may also reach me (to either schedule an appointment or ask a question) by sending an e-mail message to lmchristense@stthomas.edu.

Time Limit for Individual Conferences: Each student will receive an allotment of 1 hour of extra "communication" time that is **in addition** to the normal commenting time and/or mandatory conferences that we will already have together. In order to ensure that all students get fair access to my time for review of interim drafts and/or email questions, I will keep track of each student's use of this "extra" time and limit the total time to one hour.

Writing Fellow

You will have a writing fellow assigned to this class. The writing fellow will be Laura Hammargren, a 2L law student who did exceptionally well in this class last year. She will be available for outside help on the assignments during her office hours. Her job is to help you understand the writing process. She will not edit your work. Her role is to guide you in coming to your *own* conclusions. I will require that each of you meet with Ms. Hammargren *at least* one time during the course of the semester.

Textbooks

The required books for the Fall Semester are:

1. Laurel Curie Oates & Ann Enquist, The Legal Writing Handbook, Analysis, Research, and Writing, 4th ed., Aspen Publishers 2006).
2. ALWD & Darby Dickerson, ALWD Citation Manual (3d ed., Aspen Publishers 2006).

The recommended textbooks for Fall Semester are:

1. Richard Wydick, Plain English for Lawyers (4th ed., Carolina Academic Press 1998).
2. Joseph G. Allegretti, The Lawyer's Calling: Christian Faith and Legal Practice (Paulist Press 1996).
3. Ruth Ann McKinney, Reading Like a Lawyer (on reserve)

Grading and Expectations

Grading: You will have four major assignments in this class. They are a Single-Issue Memorandum, a Two-Issue Memorandum (which incorporates a revised Memo I), a Midterm Examination, and a Persuasive Trial Level Brief. Each of these assignments will count for a certain number of points, with the last assignment counting for the largest portion of your final grade. The points will be totaled at the end of the semester to determine your final letter grade.

The individual projects (and their corresponding points) will count for the following % of your final grade:

- a. The Single-Issue Memorandum will be ungraded but you will receive substantial feedback.
- b. The Two-Issue Memorandum is worth 30% of your grade.
- c. The Midterm Exam is worth 20% of your grade.
- d. The Persuasive Trial Level Brief is worth 50% of your grade.

This class, like your other first-year classes, is subject to a mandatory curve for your final letter grade.

This course is designated as one that is not graded anonymously. Although I will make every effort to maintain anonymity while grading your final projects, I do comment on drafts and rewrites of initial assignments.

Expectations: Because you are training to be professionals, I will expect you to meet the minimum duties required of any legal professional. In other words, professionalism counts in this class, and will affect your grade, both positively and negatively. In addition to the grading expectations set forth above, the following factors may also affect your final grade:

1. **Attendance.** I will take attendance at the beginning of each class. If you have more than three unexcused absences at the end of the semester, I reserve the right to lower your final grade by up to two grade increments (for example, from an A-minus to a B, or from a C-plus to a C-minus). If you need to miss class, please contact me **before** class to provide a reasonable excuse (which does not include that you "overslept").

2. **Preparation and Participation.** You should prepare for each class by doing the reading or exercises assigned for that day. I may call on you during class discussions, whether or not you raise your hand to volunteer. If I call on you, you should make a good-faith effort to answer the question. If you are genuinely unprepared to answer, say so, and I will not call on you again during that day's class (unless you decide to volunteer). As with attendance, I reserve the right to lower your grade by up to two grade increments at the end of the semester, if you have been unprepared on an excessive number of days, or if your classroom participation has been deficient in any other way. On the other hand, if you have a perfect record of class participation, I also reserve the right to raise your grade by one grade increment. "Class participation" includes, but is not limited to, satisfactory performance of all in-class exercises and short writing assignments, participation in class discussions, etc.
3. **Completion of all assignments.** You will be subject to a grade penalty if you fail to complete any of the assignments of the course.
4. **Timeliness.** Law school is preparing you for a profession which emphasizes timeliness and you will be held to the timeliness standards of practicing attorneys. This Syllabus lists due dates for each assignment. If an assignment is due on a day when class meets, it is due at the **beginning** of class, unless otherwise indicated. All final assignments must be turned in "by hand" and no submissions by e-mail will be accepted. Please do not put me in the position of having to take away points because you have handed in a late paper. **Make sure you back up your computer files (in multiple ways). Note also that library printers and computers will be very busy during the weeks your assignments are due. Computer or printing problems are NOT excuses for late papers and you usually will not be given an extension for late papers.**

If an assignment is late, your grade will be lowered. It is a departmental policy to impose the following penalties: If you turn in a graded assignment past the time deadline, but before 24 hours have elapsed, I may lower your grade by at least one grade increment (such as from a B to a B-), or by the number of points required to lower your grade by one grade increment. If you turn in a graded assignment 24 hours late I may deduct three grade increments (one full grade such as from a B to a C), or by the number of points required to lower your grade three grade increments. If you turn in a graded assignment 48 hours late, I may deduct six grade increments (two full grades such as from a B to a D), or by the number of points required to lower your grade six grade increments. These grade deductions will be from that assignment's grade. These penalties are subject to rare exceptions for demonstrable illness, death or trauma in the family, etc.

5. **Honor Code.** All regulations in the University of St. Thomas School of Law Code of Student Responsibility govern this class. In particular, note:
- a. V-5, Part II, Sec. 1.01, A. Cheating. Cheating includes giving, receiving, possessing, or using any materials, information, or study aids prohibited by the instructor. Cheating also includes other dishonesty or fraud relating to law school work or violating the rules established by the instructor to govern work for that instructor.
 - b. V-5, Part II, Sec. 1.01, B. Plagiarism. Plagiarism occurs when students claim or submit as their own original work the research, ideas, or writings of another without acknowledging and clearly identifying the source, all without regard to the quantity of materials used. Examples of plagiarism include copying, summarizing, or paraphrasing another's work without proper attribution. It is not a defense to plagiarism that there was not intent to deceive, to misrepresent, or to gain any unfair advantage.
6. **Collaboration.** This is a graded course and you will be analyzed on the work you prepare. Unless you are instructed otherwise, you are honor bound NOT to use any outside help in writing your assignments. "Outside help" includes faculty, staff, current students, former students, family or friends. This rule also applies to having friends or partners edit, review drafts, etc. When in doubt, remember that the default rule is always do your own work. That being said, we will "collaborate" (i.e., verbal discussions) inside of and outside of class on certain assignments and projects to enhance our learning on the material we work on throughout the semester. Before each assignment, I will tell you the boundaries of permitted collaboration.
7. **Student Conferences.** You will need to attend one student conference during the course of first semester. This is a mandatory part of the course (and it is not too horribly painful).
8. **Disability Accommodations.** In compliance with the University of St. Thomas policy and disability laws, students are encouraged to register with the Enhancement Program-Disability Services office for disability verification and for determination of academic accommodations. Please do so within the first two weeks of the term. Appointments can be made by calling 651-962-6315 or 800-328-6819, extension 6315. Telephone appointments are available as needed. You may also make an appointment in O'Shaughnessy Educational Center, room 119. For further information, you can locate the Enhancement Program on the web at <http://www.stthomas.edu/enhancementprog/>.

Calendar

Here are the days that we will meet as a class; the topics I plan to discuss on those days; the reading assignment you should do before each class; and the dates when exercises and assignments will be handed out and when they are due. **Because this Syllabus is subject to change, you should regularly check your St. Thomas e-mail account and Blackboard for other assignments, announcements, and information.**

Week	Topics for Discussion	Before class, read:	Assignments
<u>Class #1</u> Tuesday 8/29/06	Introduction to Lawyering Skills I; Introduction to the United States Legal System	Oates, Book 1, Ch. 1 (Introduction, and pp. 5 - 15)	
<u>Class #2</u> Thursday 8/31/06	Intro to Legal Research Sources of Law Weight of Authority Precedent	Oates, Ch. 2, Introduction to Legal Research (pp. 17-28); skim Ch. 3 (pp. 29-36)	
<u>Class #3</u> Tuesday 9/5/06	Reading Cases and Statutes Library Introduction and Tour	Oates, Ch. 4, Reading and Analyzing Statutes and Cases (pp. 37-46)	
<u>Class #4</u> Thursday 9/07/06	The Objective Memorandum: Introduction Client Interviewing	Oates, Book 2, Introduction; Ch. 5, The Objective Memorandum: Its Purpose, Audience, and Format (pp. 51-67)	Assigned: Short Letter to Client
<u>Class #5</u> Tuesday 9/12/06	Researching and Writing a Memo: Heading and Fact Section	Oates, Ch. 6 (read 69 to 71; skim pp. 73-100); Oates, Ch. 7 (pp. 101-126)	Due: Client Letter Legal Memorandum (Single Issue) Assigned

<p><u>Class #6</u> Thursday 9/14/06</p>	<p>Questions Presented and Brief Answers.</p> <p>Organization of Discussion Section: Elements Analysis</p>	<p>Read Assignment Packet and Case Materials of Memo I</p> <p>Oates, Ch. 7 (pp. 126-170)</p>	<p>Due: Draft of Heading and Fact Section of Memo (at beginning of class)</p> <p>Assigned: Draft Question/s Presented; Brief Answer</p>
<p><u>Class #7</u> Tuesday 9/19/06</p>	<p>Creating an Annotated Outline of the Discussion Section</p> <p>Large and Small-Scale Organization</p>		<p>Due: Draft of Questions Presented; Brief Answer.</p> <p>Assigned: Annotated Outline of Discussion Section</p>
<p><u>Class # 8</u> Thursday 9/21/06</p>	<p>Revising and Proofreading Memo I</p> <p>Citation Intro: Statutes</p>	<p>Oates, Ch. 8 (pp. 171-191)</p> <p>AWLD Manual</p>	<p>Due: Detailed Outline of Discussion Section.</p>
<p><u>Class #9</u> Tuesday 9/26/06</p>			<p>Due: Legal Memo I (single issue).</p>
<p><u>Class #10</u> Thursday 9/28/06</p>	<p>Introduction to State Common Law</p> <p>Synthesis</p>	<p>Oates, Ch. 9 (pp. 193-216).</p>	
<p><u>Class #11</u> Tuesday 10/03/06</p>	<p>Librarian's Lecture: Annotated Statutes</p> <p>Organizing and Drafting Memo 2</p>	<p>Oates, Ch. 10 (pp. 217-234)</p>	<p>Group Library Assignment</p> <p>Memo II (Two Issue) Assigned</p>

<u>Class #12</u> Thursday 10/05/06	Making Legal Arguments Using Cases: Citation	Oates, Ch. 10 (pp. 234-268) ALWD Citation Manual	
<u>Class #13</u> Tuesday 10/10/06	MIDTERM EXAM		Begin Student Conferences.
<u>Class #14</u> Thursday 10/12/06	Student Conferences	Supplemental Reading (TBA)	Legal Memo (single issue) Returned. Student Conferences.
Monday – Friday 10/16/06-10/20/06	FALL BREAK		
<u>Class #15</u> Tuesday 10/24/06	Large and Small Scale Organization of the Two-Issue Memorandum Crafting Arguments For Your Client		Due: Annotated Outline of Issue 2 (Discussion Section) Complete Student Conferences.
<u>Class #16</u> Thursday 10/26/06	Revising Memo II Citation	Oates, Ch. 11, Revising, Editing and Proofreading Memo II (pp. 269-282) ALWD Citation Manual	Assigned: Allegretti Reading (handed out in class)

<u>Class #17</u> Tuesday 10/31/06	Professionalism	Allegretti, Intro. Ch. 1-2, pp. 1-36	Due: Memo II (Two-Issue Memorandum)
<u>Class #18</u> Thursday 11/02/06	Introduction to Persuasion, Advocacy and Ethics Theory of the Case	(Supplemental Reading TBA)	
<u>Class #19</u> Tuesday 11/07/06	The Trial Level Brief: Function and Format Drafting the Statement of Facts and Issue Statement	Oates, Book 3, Chapter 17, Introduction to Persuasive Writing (pp. 375-401)	Trial Level Brief Assigned
<u>Class #20</u> Thursday 11/09/06	Librarian Lecture: Case Law Research Large-Scale Organization of Trial Brief	Oates, Chapter 17 (pp. 401-440)	Library Assignment: Find a Case Due: Persuasive Fact Statement and Issue Statement

<u>Class #21</u> Tuesday 11/14/06	Small-Scale Organization of Trial Level Brief Persuasive Point Headings.	Oates, Review (pp. 402-407)	Due: Outline of Discussion Section
<u>Class #22</u> Thursday 11/16/06	Motion Practice	Supplemental Reading (TBA)	Conduct Motion Hearings in class.
<u>Class #23</u> Tuesday 11/21/06	Motion Practice (continued) Editing and Revising a Persuasive Document	Oates, Chapter 27, Grammar (pp. 711-752)	
11/23/06	No Class Thanksgiving		
Class #24 Tuesday 11/28/06	Peer Editing Workshop Citation Review	ALWD	Due: Argument Section of one issue (5 pages) from motion brief for peer review.

Class #25 Thursday 11/30/06	Exam Strategies		Due: Final Persuasive Motion Brief
	Congrats! You are done with Lawyering Skills !!!		