

# LAWYERING SKILLS I

Fall Semester 2006  
Professor Oseid

Section A1 meets in Room 321 on Tuesdays and Thursdays from 9:00-10:25 a.m. Section A3 meets in Room 321 on Tuesdays and Thursdays from 1:30 – 2:55 p.m.

## Course Overview

This course will introduce you to the legal skills essential for practicing lawyers. In this class you will learn to think logically and precisely. We will talk about how lawyers read, analyze, organize, write, and rewrite.

My objectives for the fall semester are to help you develop the skills to:

1. effectively read and brief a case;
2. synthesize cases and statutes to determine the rule of law;
3. apply facts to the rule of law;
4. outline and organize;
5. edit and rewrite;
6. combine these skills so that you can write a research memorandum;  
and
7. combine these skills so that you can write a persuasive pretrial brief.

The skills we develop and refine will enable you to effectively analyze the law as it relates to a specific fact situation and write in a style that is acceptable in the profession. As a bonus, these skills will help you write better exams in law school. At the end of the semester, we will explore the art of persuasive writing and analysis. We will also talk about both professionalism and ethics throughout the semester. The memorandum and brief you create in this class may be helpful as writing samples for job interviews.

Our approach in Lawyering Skills I will be hands on and practice oriented. You will complete several writing exercises, practice citation skills, edit writing samples, and prepare both a legal memorandum and a legal brief.

## Office Hours

These are my regular office hours:

Monday	3:00 p.m. - 4:00 p.m.
Tuesday	3:00 p.m. - 4:30 p.m.
Thursday	10:30 a.m. - 12:00 p.m.; 3:00 p.m. - 4:30 p.m.

I am also available by appointment. I am available to answer student questions any time I am in my office.

My office is in MSL 313. My direct line is (651) 962-4948. You may contact me by sending an e-mail message to [jaoseid@stthomas.edu](mailto:jaoseid@stthomas.edu).

The writing fellow for this course is Aaron Shockley ([adshockley@stthomas.edu](mailto:adshockley@stthomas.edu)). His office hours are:

Tuesday: 9 a.m. – 10:15 a.m.; 1:30 p.m. – 4:30 p.m.

Thursday: 9 a.m. – 10:15 a.m.; 12 noon – 1:15 p.m.

Friday: 10:15 a.m. – 12 noon; 3 p.m. – 4:30 p.m.

### **Textbooks**

The required books for this course are:

1. Helene S. Shapo et al., *Writing and Analysis in the Law* (rev. 4th ed., Foundation Press 2003)
2. ALWD & Darby Dickerson, *ALWD Citation Manual* (3d ed., Aspen Publishers 2006)

The recommended books for this course are:

1. Richard Wydick, *Plain English for Lawyers* (5th ed., Carolina Academic Press 2006)
2. Joseph G. Allegretti, *The Lawyer's Calling: Christian Faith and Legal Practice* (Paulist Press 1996)

### **Grading and Expectations**

This is not an anonymously graded course. You will be graded on a midterm examination (20% of your grade), a legal memorandum (40% of your grade), and a persuasive brief (40% of your grade). Additionally, your grade may be affected by how well you meet your overall responsibilities as a student in this class. The following factors may affect your final grade:

1. **Attendance:** I will take attendance from a seating chart at the beginning of each class. If you are not in your assigned seat when I take roll, you will be counted absent. If you miss a class, you are responsible for all materials, assignments, and announcements covered in class. If you have an excessive number of 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).
2. **Preparation and Participation:** Class preparation and participation are essential. You should prepare for each class by doing the reading or exercises assigned for that day. Class participation includes

satisfactory performance of all short writing assignments, citation exercises, other assignments, and the ungraded practice legal memorandum. Class participation also includes the citation presentation which you are required to make once during the semester. As with attendance, I reserve the right to lower your final grade by up to two grade increments at the end of the semester, if you have been unprepared.

3. **Timeliness:** Law School is preparing you for a profession that emphasizes timeliness. You need to develop the good habit now of submitting all assignments, memoranda, and briefs on time. You will be held to the timeliness standards of practicing attorneys. This syllabus lists the following for each assignment: due date, time due, and location for turning in the assignment. All assignments must be turned in "by hand," and no submissions by e-mail will be accepted.

**If you do not hand your assignments in on time I will lower your grade. If you turn in a graded assignment past the time deadline, but before 24 hours have elapsed, I will 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 will deduct up to 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 will deduct up to 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.**

4. **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, §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, §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 no

intent to deceive, to misrepresent, or to gain any unfair advantage.

- c. V-5, Part II. § 1.01.D. *Misuse of Property or Services at the Law School*. Misuse of property or services includes stealing, hiding, damaging, defacing, destroying, or impeding access to property or services of the library, of the law school, or of any member of the law school or university community.

- 5. **Classroom Accommodations:** Classroom accommodations will be provided for qualified students with documented disabilities. Students are invited to contact the Enhancement Program – Disability Services about accommodations for this course within the first two weeks of the term. Telephone appointments are available to students as needed. Appointments can be made by calling 651-962-6315 or 800-328-6819, extension 6315. You may also make an appointment in person 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/>.
- 6. **Collaboration:** This is a graded course, and you must be evaluated on the work you prepare. We will collaborate on certain aspects of some assignments in class. You cannot collaborate on writing. Unless you are specifically instructed otherwise, you are honor bound NOT to use any outside help in completing your assignments. “Outside help” includes faculty, staff, current students, former students, family or friends. When in doubt, remember that the default rule is always no collaboration.

### Calendar

These are the days we will meet as a class; the topics I plan to discuss; the list of preparation materials required before class; and the list of assignments and due dates. This syllabus is subject to change. Please check Blackboard for other assignments, announcements, and information about this course.

Class/Day/Date	Class Topics	Reading	Assignments
Class 1 Tues. 08/29/06	Introduction; U.S. Legal System	Shapo, Ch. 1 (pp. 3-32)	

Class 2 Th. 08/31/06	United States Legal System- Part 2; Analyzing Legal Authority	Shapo, Ch. 2 (pp. 33-57 only)	
Class 3 Tues. 09/05/06	Analogies and Distinctions; Synthesizing Cases  Legal Citation	Shapo, Ch. 2 (pp. 57-64)  ALWD, Part I, Introduction	
<b>Please bring your ALWD Citation Manual to class every Thursday.</b>			
Class 4 Th. 09/07/06	Library Tour		
Class 5 Tues. 09/12/06	The Legal Memorandum: Introduction and Format	Shapo, Ch. 7 (pp. 141-161)  Shapo, Ch. 8 (pp. 163-172 only)	Practice Legal Memorandum <i>ASSIGNED</i>
Class 6 Th. 09/14/06	Organizing a legal discussion: large scale organization	Shapo, Ch. 4 (pp. 89-112)  Shapo, Ch. 8 (pp. 172-175 only)	
Class 7 Tues. 09/19/06	Organizing a legal discussion: small scale organization; thesis paragraph	Shapo, Ch. 5 (pp. 113-29)  Shapo Ch. 6 (pp. 131-139)	
Class 8 Th. 09/21/06	Writing a legal memorandum	Revisiting Shapo (pp. 141-175)	

Class 9 Tues. 09/26/06	Analyzing legal authority – statutes	Shapo, Ch. 3 (pp. 65-88)  ALWD, Rule 14	<b>Practice Legal Memorandum, <i>DUE</i> at the beginning of class</b>
Class 10 Th. 09/28/06	Making legal arguments	Shapo, Ch. 11 (pp. 225-252)	
Class 11 Tues. 10/03/06	Making legal arguments, cont.		Graded Legal Memorandum, revision, <i>ASSIGNED</i>
Class 12 Th. 10/05/06	Revising & Rewriting  Research – annotated statutes	Shapo, Ch. 8 (pp. 175-178)	
Class 13 Tues. 10/10/06	<b>Note: Midterm exam at 1:30 p.m. on October 10. No class.</b>		<b>Midterm exam</b>
Class 14 Th. 10/12/06	Better Writing	Shapo, Ch. 9 (pp. 179-204)  Shapo, Ch. 10 (pp. 206- 223)	
<b>Before Fall Break, please schedule a conference with me for the week immediately following Fall Break.</b>			
Monday – Friday 10/16/06-10/20/06	FALL BREAK		

Class 15 Tues. 10/24/06	No Class - Conferences		
Class 16 Th. 10/26/06	Workshop: writing, style, and citation		
Class 17 Tues. 10/31/06	Professionalism		<b>Graded Legal Memorandum, revision, DUE at 9 a.m. in MSL 450</b>
Class 18 Th. 11/02/06	Persuasion, advocacy, and ethics	Shapo, Ch. 16 (pp. 329-41)	
Class 19 Tues. 11/07/06	Motion practice	Shapo, Ch. 17 (pp. 343-56)	Graded Persuasive Brief <i>ASSIGNED</i>
Class 20 Th. 11/09/06	Persuasive writing and analysis  Research - cases	Shapo, Ch. 18, Part VII, Sections A-C (pp. 406-24)	
Class 21 Tues. 11/14/06	Persuasive writing and analysis, con't.	Shapo, Ch. 18, Part VII, Sections D-E (pp. 424-36)	
Class 22 Th. 11/16/06	Persuasive fact analysis	Shapo, Ch. 18, Part IV (pp. 375-88)	

Class 23 Tues. 11/21/06	Persuasive point headings	Shapo, Ch. 18, Part VI (pp. 395-406)	
Th. 11/23/06	Thanksgiving	No Class	
Class 24 Tues. 11/28/06	Editing and revising	Shapo editing checklist for briefs (pp. 443-45)	
Class 25 Th. 11/30/06	Final questions re: graded persuasive brief.		<b>Graded Persuasive Brief DUE Friday, Dec. 1 at 9:00 a.m. in MSL 450</b>
Class 26 Tues. 12/06/06	To be announced		