

**Lawyering Skills II (Law 625)**  
**Spring 2006**  
**Professor Oseid and Librarian Mary Wells**

Class meets in Room 321 on Tuesdays and Thursdays at 3:00 p.m.

**Course Overview**

In this class we will build on and develop the lessons of Lawyering Skills I. The course will begin with an introduction to legal research. We will discuss the basics: finding and updating case law and statutes. We will also discuss certain specialized research materials: administrative and executive materials; legislative history materials; rules of procedure; and rules of ethics. We will talk about computer-assisted legal research (CALR) and how to be an effective online researcher. Most importantly, we will discuss research strategies and techniques and how all of these sources, traditional and electronic, are used in conjunction with each other to produce thorough and accurate research.

At the end of the semester, we will combine legal research with legal writing. The written project will be a summary judgment brief. We will also talk about client counseling and alternative dispute resolution (ADR). Finally, we will move to verbal communication, and briefly consider the special art of oral advocacy.

**Office Hours**

These will be my regular office hours this semester:

Monday	10:30 a.m. – noon
Tuesday	1:30 p.m. to 3:00 p.m.
Thursday	1:30 p.m. to 3:00 p.m.

My office is in MSL 315. My direct line is (651) 962-4948. You may reach me by sending an e-mail message to [jaoseid@stthomas.edu](mailto:jaoseid@stthomas.edu).

**Research Professor**

The research professor assigned to this class is:

Mary Wells  
MSL 212  
(651) 962-4906  
[mlwells@stthomas.edu](mailto:mlwells@stthomas.edu)

Her hours are:

Monday	8:30 a.m. – 5:30 p.m.
Tuesday	12 noon – 8 p.m.

Wednesday 12 noon – 8 p.m.  
Thursday 8:30 a.m. – 5:30 p.m.  
Friday 8:30 a.m. – 5:30 p.m.

She is available to help whenever she is in her office.

### **Writing Fellow**

The writing fellow for this class is Molly LaVigne. She can be reached at [mjlavigne@stthomas.edu](mailto:mjlavigne@stthomas.edu). Her office hours are:

Monday 10:30 a.m. – 1:30 p.m.  
Tuesday 9:00 a.m. – 10:15 a.m.; 12 noon – 1:15 p.m.  
Wednesday 9:00 a.m. – 10:15 a.m.; 3:00 p.m. – 5:00 p.m.  
Thursday 9:00 a.m. – 10:15 a.m.; 12:00 noon – 1:15 p.m.  
Friday 9:30 a.m. – 10:30 a.m.

### **Textbooks**

The required books from the Fall Semester 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* (2d ed., Aspen Publishers 2003)
3. One of the following two style manuals:
  - a. Texas Law Review, *Manual on Usage & Style* (10th ed., 2005); or
  - b. Bryan A. Garner, *The Redbook: A Manual on Legal Style* (West Group 2002)

The recommended books from the Fall Semester are:

1. Richard Wydick, *Plain English for Lawyers* (4th ed., Carolina Academic Press 1998)
2. Ass'n of Legal Writing Directors, *Speed Cite* (Aspen Law & Bus. 2003)
3. Anne Enquist & Laurel Currie Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer* (Aspen Law & Bus. 2001)

The required book for Spring Semester is:

Robert C. Berring & Elizabeth A. Edinger, *Finding the Law* (12th ed., Thomson West 2005)

### **Classroom Assistance**

If you need special assistance in the classroom, please let us know. Students with special needs or documented disabilities should also contact Scott Swanson at (651) 962-4857 or the University's Enhancement Program at (651) 962-6315.

## Grading and Expectations

Your final grade will be determined as follows:

10%	Quizzes (no makeups - score of zero on a missed quiz)
15%	Research assignments 1-3 (each worth 5% of your grade)
25%	Research assignment 4
50%	Summary judgment brief

Thus, Mary Wells will assign 50% of the grade. I will assign the other 50% of the grade. If there is a borderline grade issue I will consider professionalism issues (for example attendance, class participation, and oral argument effort) in making a final grade determination.

Your grade may also be affected by how well you meet your overall responsibilities as a student in this class. Because you are training to be professionals, I will expect you to meet some of the minimum duties required of professionals. The following factors may affect your final grade:

1. **Attendance.** You should initial the attendance sheet each day we have 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.** 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.
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, e.g., Westlaw and Lexis training or oral argument.
4. **Timeliness.** 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 (for example, a research

assignment), it is due at the beginning of class, unless otherwise indicated. As indicated in the Syllabus, the summary judgment motion assignment is due at 9 a.m. in MSL 450 on Thursday, April 6. All assignments must be turned in "by hand" and no submissions by e-mail will be accepted.

**You will receive a SEVERE grade penalty on any assignment you turn in late.**

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 on Research Assignments.** The work you turn in must be yours alone. You cannot collaborate with fellow students in completing your research assignments. You are allowed to speak with your Writing Fellow and with the library's Research Fellows. You are **ESPECIALLY ENCOURAGED** to speak to a Research Librarian about any issue related to research.
  
7. **Collaboration on Writing Assignments.** This is a graded course and you must be analyzed on the work you prepare. 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.

**Please note.** You are now experienced law students, with a full semester of law school under your belts. As a result, I will expect more from you in terms of these professionalism standards. If you violate them, the grade penalties may be more severe than they were in Lawyering Skills I.

## Calendar

Here are the days that we will meet as a class; the topics we will discuss on those days; the reading assignment you should do before each class; the quiz dates; 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.

<b>Class</b>	<b>Topics for Discussion</b>	<b>Before class, read:</b>	<b>Assignments</b>
<u>Class #1</u> Tuesday January 17	Introduction to Lawyering Skills II; Review of cases	Finding the Law (FTL) 1-38	
<u>Class #2</u> Thursday January 19	Publication of Cases, the National Reporter System, U.S. Supreme Court Reports	FTL 38-63	
<u>Class #3</u> Tuesday January 24	Finding cases	FTL 101-117	<b>QUIZ</b>
<u>Class #4</u> Thursday January 26	Finding cases – small sections		Assignment 1 (cases, digests) <i>assigned</i>
<u>Class #5</u> Tuesday January 31	Checking authority (cases)	FTL 64-84	<b>QUIZ</b>

<u>Class # 6</u> Thursday February 2	Use of Citators – small sections  CALR training		<b>Assignment 1 <i>due</i></b>
<u>Class #7</u> Tuesday February 7	Statutes	FTL 118-165	<b>QUIZ</b>
<u>Class #8</u> Thursday February 9	Finding statutes – small sections		Assignment 2 (statutes) <i>assigned</i>
<u>Class #9</u> Tuesday February 14	Administrative law	FTL 225 – 276	<b>QUIZ</b>
<u>Class #10</u> Thursday February 16	Administrative law – small sections		<b>Assignment 2 <i>due</i></b> Assignment 3 (administrative law) <i>assigned</i>
<u>Class #11</u> Tuesday February 21	Secondary authority	FTL 307-326	<b>QUIZ</b>
<u>Class #12</u> Thursday February 23	Court Rules Research Strategy	FTL 277-306; 327- 337	<b>Assignment 3 <i>due</i></b>  Assignment 4 (research strategy) assigned

<u>Class #13</u> Tuesday February 28	Legislative history		
<u>Class #14</u> Thursday March 2	Client Interviewing and Counseling	Shapo, Ch. 13, pp. 275-86 and Ch. 14, pp. 287-95	Summary judgment motion and brief <i>assigned</i>
<u>Class #15</u> Tuesday March 7	Summary judgment practice		<b>Assignment 4 due</b>
<u>Class #16</u> Thursday March 9	Alternative Dispute Resolution	<b>Class will meet at 1:30 p.m. in TMH Room 260 (Thornton Aud.)</b>	Lisa Brabbit
<u>Class #17</u> Tuesday March 14	Writing summary judgment motions and responses		<b>Summary judgment research list <i>due in class</i></b>
<u>Class #18</u> Thursday March 16	A judicial perspective		District Court Judge Mary Hannon
Tuesday, March 21 Thursday, March 22 No Class (Spring Break)			
<u>Class #19</u> Tuesday March 28	Planning for the opposition		

<u>Class #20</u> Thursday March 30	Editing and revising	Shapo editing checklist for briefs pp. 443-45	
<u>Class #21</u> Tuesday April 4	Oral argument	Shapo, Ch. 19, pp. 447-54	
Thursday, April 6	No Class		<b>Summary judgment motion and brief <i>due</i> Thursday, April 6 at 9 a.m. in MSL 450 (Henry Bishop)</b>

Tuesday, April 11  
Thursday, April 13  
Oral arguments this week – no class .

Tuesday, April 18  
Thursday, April 20  
Oral arguments this week – no class