

**Lawyering Skills II (Law 625)**  
**Spring 2010**  
**Librarian Valerie Aggerbeck and Professor Julie Oseid**

Section A1 meets at 10:30 a.m. in Room 244 on Tuesdays and Room 458 on Thursdays. Section A3 meets at 3:30 p.m. in Room 238 on Tuesdays and Room 458 on Thursdays. **BEGINNING on February 23 and continuing until March 23, both sections will meet together at 10:30 a.m. in Room 458, unless otherwise noted.** Our last class will be held on March 23. This is a two-credit class.

**Course Overview**

In this class we will build on and develop the lessons of Lawyering Skills I. The course is divided into two parts. Librarian Valerie Aggerbeck will teach the first part of the class, a research skills course. The goals for that part of the class are detailed later in the syllabus. Professor Julie Oseid will teach the second part of the class, which includes a writing assignment and oral argument based on your research. The goals for that part of the class are detailed later in the syllabus.

**Librarian Valerie Aggerbeck's Office Hours:**

Mondays:	10:30 a.m. – 12:30 p.m. (also on reference desk from 1-5 p.m.)
Wednesdays:	2:00 – 4:00 p.m. (also on reference desk from 4–8 p.m.)

Librarian Aggerbeck: office is MSL 211, direct line is (651) 962-4909, email is [vraggerbeck@stthomas.edu](mailto:vraggerbeck@stthomas.edu). Please feel free to stop by or make an appointment.

**Prof. Oseid Office Hours**

Prof. Oseid's regular office hours this semester will begin at the end of February:

Monday	3:00 - 4:00 p.m.
Tuesday	3:30 – 4:30 p.m.
Thursday	1:30 – 3:00 p.m.

Professor Oseid: office is MSL 313, direct line is (651) 962-4948, email is [jaoseid@stthomas.edu](mailto:jaoseid@stthomas.edu). Please feel free to contact her throughout the semester.

**Writing Fellow**

The writing fellow for this class is Kate Marion ([kamarion@stthomas.edu](mailto:kamarion@stthomas.edu)). Her office hours will be posted on Blackboard.

## **Textbooks**

We will continue to use the required books from the Fall Semester:

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 required book for Spring Semester is:

Christina L. Kunz, Deborah A. Schmedemann, Ann L. Bateson, Matthew P. Downs & Susan L. Catterall. *The Process of Legal Research* (7th ed., Aspen Publishers 2008).

## **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/>.

## **Grading and Expectations**

Your final grade will be determined as follows:

50%	Research
50%	Summary judgment brief (a portion may be based on oral argument effort)

Valerie Aggerbeck will grade 50% of your work. Professor Oseid will grade the other 50%. If there is a borderline grade issue, we will consider professionalism issues (for example attendance, class participation, and oral argument) in making a final grade determination.

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

Your grade may be affected by how well you meet your overall responsibilities as a student in this class. Because you are training to be professionals, we 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, we 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. As with attendance, we 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. "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., library exercises, research assignments, and oral argument.
4. **Timeliness.** 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. The summary judgment motion assignment due date is included later in this Syllabus. 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. If you fail to meet a due date, you will have the points on that assignment reduced by AT LEAST the following penalty:**

<u>Amount of Time Late</u>	<u>Penalty</u>
.1 second – 24 hours	5% - 15%
24 - 48 hours	15% - 25%
48 - 72 hours	25% - 40%
More than 72 hours	40% - 100%

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. **Check Blackboard.** Because this syllabus is subject to change, you should regularly check your St. Thomas email and the class Blackboard site for updates.

### **Research Skills Part of Class Librarian Valerie Aggerbeck**

#### **Course Goals for Research Skills Part of Class:**

This class builds on Lawyering Skills I by introducing legal research. During the semester, you will work with a variety of primary and secondary sources in both print and electronic formats in order to learn how to use them effectively and efficiently. You will also begin to develop effective research strategies. The skills you develop and the resources you learn to use in this class will be useful to you in future courses where you are required to conduct research. In addition, good research skills are essential for part-time and summer jobs with law firms or as a faculty research assistant, since student employees and first-year associates spend much of their time on research tasks.

At the end of the research portion of the course, you should be able to:

- Distinguish between mandatory and persuasive authority;
- Understand the differences between primary and secondary sources;
- Understand the various kinds of secondary sources and reasons for using each;
- Find the appropriate statutes, case law, and regulations for a research situation;
- Update statutes, case law, and regulations using both print and electronic sources;
- Create effective queries for finding primary and secondary sources using online sources;
- Develop cost effective research strategies; and
- Correctly interpret and write legal citations in ALWD format.

**Grading and Expectations:** The research part of the course (50% of the final grade) will be weighted as follows:

- 5 Research Assignments (may be completed in pairs with one agreed upon assignment turned in for a grade) – 25 %
- Two-part final research skills test:
  - Part 1 – closed book exam held in class on Feb. 23, 2010 – 25%
  - Part 2 – research skills project (based on the topic of your Summary Judgment Motion to be written for Professor Oseid)– 50%

**Calendar:**

<b>Date</b>	<b>Class Topic/In-Class Exercise</b>	<b>Readings and tutorials to complete before class</b>	<b>Assignment</b>
1/12	Introduction to issue formation/Introduction to Westlaw & LexisNexis (hand out passwords)	Chapters 1 & 2 (pp. 3-71) of <i>Process</i>	
1/14	Issue Statements & Query Formulation		
1/19	Secondary Sources: Encyclopedias, Treatises, and Periodicals	Chapters 3 (Encyclopedias), 4 (Treatises), and 5 (Legal Periodicals) (pp. 75-109) in <i>Process</i>	<b>Assignment #1 handed out (DUE 1/26)</b>
1/21	Secondary Sources – practice searching and in-class exercises	ALWD: Rule 22, Rule 23, and Rule 26	
1/26	Secondary Sources – ALRs and Restatements	Chapter 6 (ALRs) and Chapter 7 (Restatements) (pp. 110-139) in <i>Process</i>	<b>Assignment #1 DUE</b>
1/28	Secondary Sources – ALRs and Restatements practice searching and in-class exercises	ALWD: Rule 24 (pp. 227-229) and Rule 27 (pp. 239-241)	<b>Assignment #2 handed out – DUE 2/2</b>
2/2	Case Law	Chapter 9 (pp. 150-192) in <i>Process</i>	<b>Assignment #2 DUE</b>
2/4	Case Law – practice searching and in-class exercises	ALWD: Rule 12 (pp. 64-105)	<b>Assignment #3 handed out</b>
2/9	Citators	Chapter 10 (pp. 193-212) in <i>Process</i>	<b>Assignment #3 DUE</b>
2/11	Citators – practice and in-		<b>Assignment #4</b>

	class exercises		<b>handed out</b>
2/16	Constitutions & Statutes	Chapter 11 (pp. 222-273) in <i>Process</i>	<b>Assignment #4 DUE</b>
2/18	Constitutions & Statutes – practice searching and in-class exercises	ALWD: Rule 13 (pp. 107-109) and Rule 14 (pp. 111-122)	<b>Assignment #5 handed out (DUE 2/23)</b>
2/23	Last Research Class  Part I - Research Skills Test (completed in class)  Part 2– Final Project – handed out	<b>REMINDER: All students will meet at 10:30 a.m. to take the Skills Test.</b>	<b>Assignment #5 DUE</b>  <b>Part 1 -Skills Test in class</b>  <b>Part 2 – Final Project Assigned</b>

**Writing/Oral Argument Part of Class  
Professor Julie Oseid**

**Course Goals for Writing/Oral Argument Part of Class:**

I have three main goals in this course:

1. I want to help you develop the specific skills, competencies, and points of view needed by practicing lawyers;
2. I want to help you develop the skills necessary to express yourself, as a lawyer, in writing and orally;
3. I want to help you learn to analyze and critically evaluate ideas, arguments, and points of view.

My three course goals look familiar because we will build on and develop the lessons of Lawyering Skills I. 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 discuss oral advocacy.

**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.

## Calendar

**PLEASE note that both sections will meet at 10:30 a.m. in Room 456.**

<b>Class</b>	<b>Topics for Discussion</b>	<b>Before class, read:</b>	<b>Assignments</b>
<u>Class #14</u> Thursday February 25	A judicial perspective		Minnesota Supreme Court Justice Paul Anderson
<u>Class #15</u> Tuesday March 2	Client Interviewing and Counseling	Shapo, Ch. 13, pp. 275-86 and Ch. 14, pp. 287-95	
<u>Class #16</u> Thursday March 4	Writing summary judgment motions and responses		<b>Final Research Project DUE</b>
<u>Class #17</u> Tuesday March 9	Strategy		
<u>Class #18</u> Thursday March 11	Oral argument; Planning for the opposition	Shapo, Ch. 19, pp. 447-54	<b>Facts and Outline Due</b>

Tuesday, March 16 and Thursday, March 18

### **ORAL ARGUMENTS**

**Note that Oral Arguments will be scheduled throughout the day. We will not have class on Tuesday, March 16 or Thursday, March 18 because Oral Arguments will take the place of class. All Oral Arguments will be held in the Moot Courtroom.**

<u>Class #19</u> Tuesday March 23	Editing and Revising		

**Thursday, March 25**  
No Class  
**Summary judgment brief due at 10:30 a.m. in MSL 311 (Henry Bishop)**

**Note: This is our final assignment for the spring semester. Our class will end before spring break.**