

LLEAP 1-- Fall Semester 2019
BARRISTER TEAM—Professor Mercer
Course Policies & Tentative Syllabus

Team Faculty:

Professor Kathryn Mercer

Monday, Tuesday, Wednesday, Thursday 1:15 – 2:40 p.m. **Room A65**
(Class will generally meet two or three times per week.)

LAW Firms:

Firm	2M, 2N	Prof. Bhagat	Tuesday	5:00—7:30 p.m.	Rm. TBA
Firm	2O, 2P	Prof. Gibson	Tuesday	5:00—7:30 p.m.	Rm. TBA

Research Librarian: Judith Kaul

Contacting Professor Kathryn Mercer

By e-mail: kathryn.mercer@case.edu
In person: Room 207 (by appointment or, to the extent time permits, on a first-come, first-served “walk-in” basis).
By telephone: 368-2173 (office)
752-4106 (home) (before 11:00 p.m. and after 8:30 a.m.)

Contacting Librarian Judith Kaul

By e-mail: jak4@case.edu
In person: In the library (by appointment or, to the extent time permits, on a first-come, first-served “walk-in” basis).
By telephone: 368-8570 (office)

Contacting Department Assistant Elissa Tennant

By e-mail: elissa.tennant@case.edu
In person: On the second floor of the law school, Room 222 (Legal Analysis and Writing Office)
By telephone: 368-5221 (office)
Hours: 7:30 a.m.-4:00 p.m. (unless otherwise noted)

Contacting Professor Kavitha Bhagat (Firm M and N)

By telephone: (216) 862-8285 (office) and 605-228-7960 (cell)
By e-mail: kavitha.giridhar83@gmail.com

Contacting Professor Richard Gibson (Firm O and P)

By telephone: (216) 883-4000
By e-mail: 4rgibson@gmail.com

Teaching Assistants

Julie Gabella 2L jag311@case.edu
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Contacting Lexis, Bloomberg, and Westlaw Representatives

Lexis: Jennifer Parnell – jennifer.durkin@lexisnexis.com
Westlaw: Holly Lynch Fritz – Holly.LynchFritz@thomsonreuters.com
Bloomberg: Isis Filipek – ifilipek@bna.com

EXPECTED OUTCOMES

LLEAP 1 is designed to help first-year law students develop analytical skills, learn basic research skills necessary for the practice of law, and develop the ability to write clear, concise, and correct legal memoranda and contracts. The course is also designed to help students develop a professional identity, understand what it means to be an effective and ethical lawyer, and increase students' capacity to lead, manage, and work with others in teams. By the end of the first semester, each LLEAP 1 student will be able to:

1. Read and analyze judicial opinions, finding and applying the holding and pertinent facts of a case;
2. Conduct independent legal research, both statutory and case law, finding the applicable law on a specific topic;
3. Write an objective memorandum of law that analyzes several judicial opinions and reaches a conclusion about the viability of a claim using effective organization and drafting principles;
4. Comply with ALWD/BlueBook citation methodology;
5. Interview a client or witness and discover pertinent facts concerning the specified topic;
6. Advise a client regarding a pending legal dispute; and
7. Write a basic contract using appropriate principles of organization, clarity, and drafting tools.

PROFESSIONALISM EXPECTATIONS

Congratulations on launching your new professional career. During this and next semester, you will begin to develop your professional reputation as you interact here with students and professors who later may become your colleagues in the bar. Accordingly, you will

serve yourself well by behaving now as though you already are adhering to the best professional standards. These include the following expectations for this class, which are directly related to standards you will need to meet as an attorney:

Engagement.

Producing an effective work product requires an attorney to be fully engaged in each step of the creative process. You will learn best and most quickly by “doing.” Consequently, classes require your active participation. You will need your classmates’ active participation to help you develop your ideas and work product, and they, in turn, will need yours. As a result, you are expected to be fully prepared and engaged in class. You are responsible for participating to an appropriate extent: neither being silent nor dominating the discussion, but doing your share. Being unprepared for class counts as an unexcused absence. If you have not completed a writing assignment for use in class, Professor Mercer may ask you to leave because only the students who already completed the assignment should benefit from the discussion.

Attendance.

As an attorney, you will be expected to attend required court hearings, conferences, and client meetings. Consequently, you are expected to attend all classes.

LLEAP and Firm Class Attendance: Attendance is required for scheduled classes. Unexcused absences will be taken into account in determining your final course grade. If you need to arrange for an excused absence, notify Professor Mercer **by e-mail before that class of your absence and the reason for it** to discuss your absence and its impact on your work and deadlines. If an emergency prevents you from **notifying Professor Mercer** in advance of class, please notify her ASAP. If you need to be absent from an evening firm class, please notify both Professor Mercer, either Professor Gibson or Bhagat, and Elissa Tennant of your absence as soon as you know of the conflict.

Simulation Attendance: All simulation assignments must be completed in order to get credit for the course. If you know of an unavoidable conflict with a scheduled simulation, and you know of this conflict either before the simulation schedule is distributed, or when the schedule is passed out or posted, contact both Professor Mercer and Elissa Tennant to describe the conflict. We may ask you to arrange for a switch with another student in your section who has the same assignment and has the same firm Professor. If you have a last minute unavoidable conflict (an illness or death in the family) which requires you to miss a scheduled simulation, it is your responsibility to arrange a make-up session by contacting your Firm Professor (either Professor Bhagat or Professor Gibson) and Professor Mercer.

Professional Development Workshop Attendance: The Career Development Office collaborates with the LLEAP professors to present four workshops with local attorneys. The presentations will help you to develop outside-the-classroom skills that every successful attorney should master. You must attend 3 of the 4 workshops offered. Please make sure to sign in for each leadership workshop that you attend. They will be held on Fridays from 12:00 to 1:00 p.m.

Friday Sept. 27 12-1 p.m.	Skills Training: Resume/Cover Letter Overview Career Development Office Staff
Friday Oct. 11 12-1 p.m. Rm A59	Networking Skills Workshop/Relationship Building Panel: <i>A panel of experts will share their strategies for creating a strong professional network and explain why doing so is critical to your professional success.</i> Ruchi Asher, AUSA, United States Attorney’s Office; Justin Stevenson, Co-Founder, Bower Stevenson LLC; Delante Spencer Thomas, Deputy Inspector General, Cuyahoga County; Amelia J. Leonard, Seeley, Savidge, Ebert & Gourash Effective and
Friday Oct. 25 12-1 p.m. Rm A59	Effective and Professional Communication/Online Networking: <i>Powerful and professional communication skills are critical to success in any workplace. Learn techniques for communicating better with colleagues and clients in the workplace when speaking, writing, and even texting. Also, join us for an interactive discussion on how to leverage social media to grow your professional network and brand.</i> Valissa Turner Howard, First Assistant Deputy General and Chief Diversity Officer, Agency of Inspector General, Cuyahoga County
Friday Nov. 9 12-1 p.m.	Public Speaking: <i>Persuasive and confident professional communication and public speaking skills are critical for every lawyer and professional. This session will focus on organizing presentations and arguments as well as a broader discussion of effective communication in the workplace and leadership.</i> Judge Brendan Sheehan, Cuyahoga County Common Pleas Court; Marilena DiSilvio, Elk & Elk

Class Meeting Times.

The Syllabus identifies tentatively what you will be doing in each class session, and when and where your classes meet. Although the class schedule is largely established, it may change from time to time. Any major changes in the schedule will be posted to Canvas and will be emailed to you at your law school email address, or will be announced in class. It will be your responsibility to attend class when and where scheduled throughout the semester.

Assignments.

A court or supervising attorney expects to read a complete work product, not an incomplete or draft attempt. Consequently, you are expected to complete the entire assigned reading and writing assignment. Failing to complete assignments may result in your disenrollment from the course. If you cannot complete an assignment due to exigent circumstances, contact Professor Mercer by e-mail or phone as soon as possible. Doing work for another class is not an exigent circumstance. Submitting a written assignment through another student without permission is not acceptable.

This Syllabus, assignments, some course materials, and other documents will be posted from time to time on Canvas. It will be your responsibility to check Canvas to ensure that you have all the necessary documents and information related to this course.

Format for written work.

Courts reject pleadings that do not conform to their requirements. Consequently, please adhere to the formatting requirements.

Style Requirements: All written assignments shall be completed *by the deadline* in two forms:

(1) by hard copy hand-delivered to the LAW offices, Room 222, where you must stamp your copy with a machine that records date and time, on the back of the last page, and
(2) by electronic delivery to Professor Mercer via her faculty e-mail address. (klm7@case.edu) in Microsoft Word.

- a) Hard copies must be typed, double-spaced on 8-1/2" x 11" paper with 1" margins on all sides.
- b) Pages **must be numbered** at the bottom center of each page, except the first page.
- c) **Proofread your written work thoroughly.**
- d) Papers must be entirely printed (including any footnotes) in 12 point Times New Roman typeface for the fall semester. (We will use 12 point Century Schoolbook in the spring).
- e) Papers must comply with page limits or word counts, if any. Grades on papers may reflect appropriate penalties for excessive length. Papers longer than the page or word limit may not be graded beyond the page or word limit.
- f) Unless otherwise instructed, ***all papers and assignments must include your name or your student number, your Professor's name and Team name (Mercer Advocates), on the upper right hand corner of the top page of each written project. Please use your student number rather than your name for all graded papers (versus drafts, annotated outlines, and research exercises).***
- g) Turn in multiple copies of your assignment when so instructed.

You may not deviate from these style policies unless you have obtained consent from Professor Mercer in advance of handing in an assignment. Professor Mercer ordinarily will not grant such consent, and whether to do so is totally within her discretion. **Failure to obtain consent and to abide by the style policies stated may result in a reduction in points for that assignment, or, in serious or repeated cases, no credit for the assignment.**

Deadlines.

An attorney who misses a court deadline risks a default judgment against the client, a malpractice claim, a professional conduct complaint, and negative career consequences. Additionally, courts do not care whether your computer crashed or whether a traffic jam prevented filing.

Promptness and Deadlines: Promptness is an important quality of effective legal professionals. Assignments are due at the time specified on the syllabus by filing and time-stamping them using the time-stamping machine provided in Room 222 during its regular business hours. Failure to turn in an assignment on time and in the proper format will result in a reduction of your grade. Any paper that is late will have a point reduction. Generally, your grade will be reduced by one-third of a grade for each day it is late (from an A to an A-, for example, or by three points). **All** assignments must be completed. You will fail this course if you fail to turn in any graded assignment.

General Instructions for Handing In Hard Copies of Written Assignments:

Elissa Tennant's hours are 7:30 a.m. to 4 p.m. Papers may not be handed in earlier than 7:30 a.m. It is the student's responsibility to time-stamp the hard copy of the assignment, on the back of the last page.

Exceptions: Professor Mercer has the sole authority to grant or deny requests for relief from any policy or rule pertaining to the written assignments. Professor Mercer may grant extensions when, in her sole discretion, good cause has been shown.¹ Any extensions should be obtained no later than one day in advance of the due date.

Professor Mercer has the sole authority to grant or deny requests for relief from any policy or rule pertaining to the simulations.

In-class collaboration.

As a lawyer, you will be expected to interact effectively with people who have very different communication styles and skill levels than you do. Additionally, in most law practices, you must coordinate with counsel, the client, and others to prepare your work product. This demands patience, listening and communication skills and appropriate compromise. Consequently, in class, you are expected to actively collaborate to form and test arguments, organize ideas, discuss cases, anticipate strategies, and overcome weaknesses.

¹Request for extensions are discouraged. Nevertheless, if you need an extension, *ask for it*. The worst thing that can happen is that the request will be denied.

Individual work product.

Your written and oral work product must be your own. As with any of your courses, you are subject to the plagiarism rules of the Honor Code and Academic Regulations of the Law School, which are in the student handbook.

Ethical Responsibilities.

In General: Except as otherwise expressly provided, you are bound by the Honor Code and Academic Regulations of the Law School. Please make yourself aware of their content and conform your behavior to them. In particular, please note Rules 2 and 3 of Part II of the Law School Code of Conduct, which are reproduced below:

2. Improper Cooperation on Work: No student shall cooperate with another student, or solicit cooperation from or offer cooperation to another student, in the preparation of any written work submitted for credit, unless cooperation is specifically allowed by the instructor or by the program in which the student is participating.
3. Plagiarism: No student shall submit any written academic work that is plagiarized. Plagiarizing is knowingly copying or paraphrasing works or appropriating ideas from another's work without clearly identifying them as the work of another.

These rules apply to this course and will be enforced strictly. Please also review the commentary on Plagiarism in the Law School Code of Conduct in the Student Handbook. With respect to Rule 2, no cooperation is permitted in the preparation of assignments for this course, either researching or writing, except as is specifically authorized by Professor Mercer in the instructions for preparing an assignment. If you have questions regarding the application of these rules to a specific situation, clarify the situation with Professor Mercer. Honesty and integrity are core qualities of a good lawyer; consequently these rules and regulations will be strictly enforced.

Authorized Cooperation: Notwithstanding the provisions of the Law School Code of Conduct pertaining to "Improper Cooperation on Work," you will often be called upon to cooperate and engage in group exercises with other students. You may, and should, cooperate freely with other students during these exercises, according to Professor Mercer's directions. If you choose not to participate freely in these discussions, your failure to do so will be reflected in the participation component of your grade.

Outside of class, you may generally discuss with your classmates the issues related to the course assignments. Of course, whether you choose to do so is your decision. On some projects, Professor Mercer will authorize you to work in pairs or trios on the research related to the assignments. You may not, however, give or solicit such cooperation from any person at all (including spouses, students, or typists) in the actual drafting or editing of written assignments, ***except as specifically provided for and authorized by Professor Mercer***. While you may talk about the issues relating to the assignments, you may not review each other's papers unless Professor Mercer has instructed you to do so.

Questions: To the extent you have any question as to whether the cooperation or collaboration you contemplate constitutes “improper cooperation on work,” please seek clarification or authorization from Professor Mercer before giving or receiving any assistance.

The 12- and 24-hour rules.

There are **two hour rules**. The first concerns the 12 hours **before** an assignment is due. During that period, you are not permitted to ask Professor Mercer or the TAs for help. Consequently, plan ahead so you do not have unanswered last-minute questions. The second 24-hour rule applies to the period after you receive a graded assignment. Wait 24 hours **after** you have received the grade before you talk with Professor Mercer about the grade, feedback or questions. This gives you time to reflect on your work and your questions.

Feedback.

In most law practices, you will receive feedback from supervisors, co-counsel, opposing counsel, clients and the court. Some people will deliver it thoughtfully; others will not. In turn, some people receive feedback constructively and use it to improve a work product; others allow it to generate anger or hurt that emotionally de-rails them. One important professional skill to develop is to effectively hear and use feedback. In this class, you will receive feedback from your classmates, the TAs, and Professors Mercer, Gibson, and Bhagat.

Simulation Performance.

You will be assigned two simulation exercises this semester. The first is an initial client interview and the second is a client counseling meeting.

Prior to each simulation performance, you will attend a lecture/demonstration class co-taught by Professors Mercer, Gibson and Bhagat. (We call this the “pre-simulation class.”) The simulation assignment and the Feedback/Evaluation Form will be distributed prior to the class. In class, we will discuss the simulation and the skill to be practiced. You are required to read all assigned material in preparation for the class.

After the pre-simulation class, at your scheduled Firm meeting time, about one-half of you will meet in your Firms during each of the next two weeks to perform the simulation. Some scheduling flexibility will occasionally be required to accommodate the Firm Professors’ schedules.

Each of you will be assigned a specific topic to address in the simulation. In some cases, two of you may be assigned the same topic. You will perform the simulation in the presence of your Firm members. Your Firm Professor will provide feedback on your performance and lead the class through the simulation. In this way, you learn from each other and the professor.

You are permitted and encouraged to collaborate in preparing for a simulation, but you must perform the assignment in class on your own. You may not solicit, receive, or provide assistance to anyone performing the simulation on a different date or time, or for a different professor. You will be evaluated on your performance in the simulation. Simulations are evaluated according to the criteria on the evaluation forms, with a final grade based on a 1 – 10

scale with 10 as the highest. You may contact your Firm Professor to discuss the score you received.

Points Attributable to LLEAP 1 Assignments (Total possible points = 100):

LAW Memorandum 1	20
Research Exercises, Citation Exercises, Homeworks, Rough Drafts/Outlines, and Peer Edits*	5
LAW Memorandum 2	45
Contract I	10
Contract II	20
Participation/Attendance/Professionalism/Effort**	TBD
Simulation 1: Client Interview***	TBD
Simulation 2: Client Counseling Meeting***	TBD
Career interview Paper****	TBD

*Annotated outlines, peer critiques, private memos, drafts, and in-class oral arguments may be evaluated for effort by a $\sqrt{+}$ or $\sqrt{-}$ system.

** Points will be added or deducted, if necessary. Unexcused absences will also be taken into account and will reduce your final grade.

*** The combined performance of both simulations may impact the grade in the course by one-third of a grade. Simulations are evaluated according to the criteria on the evaluation forms, which you will receive in advance of the simulation. The combined simulation evaluations may impact your final grade in the course by no more than one-third of a grade (e.g., increase the grade from B to B+, or decrease a grade from B to B-.) In some cases, the simulations will not affect your grade in LLEAP1.

****The Career Interview Paper will be incorporated with the assessment of your Participation/Attendance/Professionalism/Effort.

Course Texts and Materials for LLEAP 1:

1. Coleen M. Barger, *ALWD Citation Manual*, (6th ed., Wolters Kluwer Publishers 2017) (“ALWD”).
2. Editors of the Columbia Law Review, The Harvard Law Review, The University of Pennsylvania Law Review, and the Yale Law Journal, *The Bluebook: A Uniform System of Citation*, (20th ed., Harvard Law Review Association 2015) (“Bluebook”).
3. Laurel Currie Oates, Anne Enquist, *The Legal Writing Handbook* (6th ed., Wolters Kluwer Publishers 2014) or Laurel Currie Oates, Anne Enquist, *The Legal Writing Handbook* (7th ed., Wolters Kluwer Publishers 2018) (“Handbook”).
4. Tina Stark, *Drafting Contracts* (2d ed., Wolters Kluwer Publishers 2013) (“Contracts”).

5. Deborah E. Bouchoux, *Aspen Handbook for Legal Writers*, (4th ed., Wolters Kluwer Publishers 2017) (**Optional**).
6. Photocopied Handouts (“Materials”).

Schedule for Readings: Generally, all reading, writing, and research assignments are listed under the class in which they are due.

Revisions: Additional assignments may be added to the schedule as class progresses. Additional handouts will be distributed.

Scheduling Appointments with Professor Mercer.

Professor Mercer will usually post a schedule on her door as to available times for conferences. To insure her availability, please sign up at least 24 hours in advance. Elissa Tennant, 216-368-5221, the department assistant for the LLEAP, should be able to help you contact or locate Professor Mercer for other times. All students are required to meet with Professor Mercer for mandatory conferences during LLEAP 1 (see “Mandatory Conferences” on the schedule). A sign-up sheet for these conferences will be posted on Professor Mercer’s door. Additional conference times can be arranged throughout the semester.

Your Firm Professors are practicing lawyers and do not have regular office hours at the Law School. You can reach them at the phone numbers or email addresses listed above and arrange any meeting that may be convenient.

Schedule

Week 1: August 26 – August 30

TUESDAY Evening Firms: No class.

LLEAP class days: (Monday, Tuesday, and Thursday) 1:15 – 2:40 p.m. in Room A65

MONDAY CLASS: Pedagogical Goals of This Class.
Intro to Memo I, Writing Assignment 1.

TUESDAY CLASS: Introduction to Lexis, Bloomberg, and Westlaw.

Reading Assignments:

Handbook 6th ed. Chapters 1, 2, and 3

OR 7th ed. Chapters 1, 2, 3, 9, 10

THURSDAY CLASS: Reading a Case: Majority, Concurrence, and Dissent.
Form a Team of Three.

Reading Assignments:

Handbook Chapter 11 either edition

Materials pgs. A1-23 (Syllabus), B1-3, C1-18, G1-3

Materials pgs. B4-18 (*The Process of Legal Research*)

Materials pgs. D1-17 (Assignment 1 and sample)

***Writing Assignment 1 Due on Friday, August 30, at 3:00 p.m.**

You must time-stamp and file a hard copy of the assignment in the correct drop box in Room 222, and email an electronic copy in WORD format to Professor Mercer at klm7@case.edu. You must also give hard copies to your designated team members in person or in their mail folders so that they can peer review it before your Tuesday LLEAP class at 1:15 p.m.

Week 2: September 2—September 6
Labor Day (Monday, September 2)

TUESDAY Evening Firms: No class.

LLEAP class days: (Tuesday and Thursday) 1:15 – 2:40 p.m. in Room A65

TUESDAY CLASS: Learning from Assignment 1.
Team Critique of Writing Assignment 1.
Teamwork on Writing Assignment 1.

Reading Assignments:

Materials pgs. F1-3 (on peer editing)

THURSDAY CLASS: Share Teamwork on Writing Assignment 1.
Preparing for Writing Assignment 2.
Organization of a Legal Analysis with More Than One Authority.

Reading Assignments:

Handbook 6th ed. Chapter 12 from pgs. 156-207,

Chapter 13 from pgs. 225-238

OR 7th ed. Chapter 16

Materials pgs. C19-43

Materials pgs. D18-61 (Assignment 2 and sample)

Materials pgs. G1-3 (private memo instructions)

***Peer Evaluation Due in class on Tuesday, September 3 (will not be evaluated). Turn back to colleagues in your team.**

Week 3: September 9 - September 13

***Writing Assignment 2 and Private Memo Due on Monday, September 9, at 8:00 a.m.**
You must time-stamp and file a hard copy of the assignment in the correct drop box in Room 222, and email an electronic copy in WORD format to Professor Mercer at klm7@case.edu. You must also give hard copies to your designated team members in person or in their mail folders so that they can review it by class on Wednesday of this week.

TUESDAY Evening Firms:

Intro to Simulation 1: Tuesday, September 10, Learning about Interviewing – 5:00 – 7:15 p.m. Room 157 (COMBINED CLASS OF ALL FIRMS).

LLEAP class days: (Wednesday and Thursday) 1:15 – 2:40 p.m., Wednesday – Room TBA, Thursday in Room A65

WEDNESDAY CLASS: Learning from Writing Assignment 2.
Team Critique of Writing Assignment 2.
Teamwork on Writing IRACs: Cause of Action Two.

Reading Assignments:

Handbook 6th ed. Chapter 14
OR 7th ed. Chapter 18

THURSDAY CLASS: Introduction to Writing Assignment 3 (Memo I).
Share Teamwork on writing IRACs: cause of action two.

Reading Assignments for Memo I:

Handbook 6th ed. Chapter 13 from pgs. 240-246
OR 7th ed. Chapter 17 from pgs. 221-237

****Peer Evaluation Due no later than class on Wednesday, September 11 (will not be evaluated).**

Week 4: September 16 - September 20

TUESDAY Evening Firms:

SIMULATION #1 (1st set) 5:00 – 7:30 p.m. Room TBA. See the schedule for your appointed time and date.

LLEAP class days: (Monday, Tuesday, and Thursday) 1:15 – 2:40 p.m. in Room A65.

MONDAY CLASS: Introduction to Memo II Topic and Research.
Introduction to Statutory and Common Law Research.

Reading assignments:

Handbook 6th ed. Chapters 4 and 7

OR 7th ed. Chapters 4, 5, 7, and 8

Materials pgs. C43-57, D62-99 (Assignment 3 and sample)

Materials pgs. E1-6

Reading Assignments for Memo II:

Materials pgs. J1- end (Memo II) (read the facts and just look at the exercises at this point) (on Canvas)

TUESDAY CLASS: Small Groups/Firms Meet with Professor to Discuss Memo I.

1:15 – 1:55 Firms M and N

1:55 – 2:40 Firms O and P

THURSDAY CLASS: Leadership and Learning Style.

Reading Assignment on leadership:

Goleman, *Leadership that Gets Results* (on Canvas)

***MANDATORY CONFERENCES—Monday - Thursday (20 - 30 minutes each) on Assignment 2 and preparation for Memo I. Sign up for a conference on Professor Mercer's office door.**

Week 5: September 23 - September 27

TUESDAY Evening Firms:

SIMULATION #1 (2d set) 5:00 – 7:30 p.m. Room TBA. See the schedule for your appointed time and date.

LLEAP class days: (Monday or Tuesday, **Wednesday**, and Thursday) in Library on Monday or Tuesday, and Room TBA on Wednesday and Room A65 Thursday.

MONDAY OR TUESDAY CLASS: *Meet in the lobby of the Library*

***Library Tours with TAs and/or Professor Judy Kaul:**

Firm M – 1:15 – 1:45 p.m. Monday

Firm N – 2:00 – 2:30 p.m. Monday

Firm O – 1:15 – 1:45 p.m. Tuesday

Firm P – 2:00 – 2:30 p.m. Tuesday

WEDNESDAY CLASS:

The Format of a Legal Office Memorandum and Putting It All Together.

Reading assignments:

Handbook 6th ed. Chapter 12 from pgs. 131-153, Chapter 13 pgs. 209-224, Chapter 20

OR 7th ed. Chapter 13, Chapter 14 from pgs. 155-170, Chapter 24

*Note: the format we are using does not include a “Brief Answer” section nor a formal conclusion section at the end of the paper. Rather, a more lengthy “Conclusion” right after the Issue is substituted. See your class notes.

THURSDAY CLASS:

Final Q & A on Memo I.

Basic citation form for Memo I – see handout.

FRIDAY CLASS:

Professional Development Seminar (must attend three out of four during semester): Skills Training Workshop (Resume/Cover Letter Overview): Friday September 27, 12:00 – 1:00 p.m., Room A59
Career Development Office

***OPTIONAL SECOND CONFERENCES —Thursday and Friday (15 minutes each) on preparation for Memo I. Sign up for a conference on Professor Mercer’s office door.**

Week 6: September 30 – October 4

****Memo I (Writing Assignment 3) Due Monday, September 30, at 8:00 a.m.*** Submit two hard copies in the LAW office and email one electronic copy in WORD format to Professor Mercer at klm7@case.edu. You must time-stamp and file a hard copy of the assignment in the correct drop box in Room 222.

TUESDAY Evening Firms: No class.

LLEAP class days: (Monday, Tuesday, and **Wednesday**) 1:15 – 2:40 p.m. in Room A65.

MONDAY CLASS: Lexis, Westlaw and Bloomberg Training.

Reading assignments:

Handbook 6th ed. Chapters 21, 22, 23, 24, 25 and 26

OR 7th ed. Chapters 25, 26, 27, 28, 29, and 30

This is a long reading assignment. Spread it out, but do it before the paper is due.

TUESDAY CLASS: Preliminary Thoughts on Memo II and the Annotated Outline.
Starting an Open Research Project with Professor Judy Kaul.
Digests and Finding Cases.
Secondary Sources.

Reading Assignments: TBA

WEDNESDAY CLASS: Small Groups/Firms Meet with Professor to Discuss Research and Case Analysis for Memo II.

1:15 – 1:55 Firms O and P

1:55 – 2:40 Firms M and N

***** Case Law and Secondary Sources Assignment (if assigned by the representatives) Due for Lexis, Westlaw and Bloomberg: Wednesday, October 2, by 3:30 p.m.***

******Statutes Assignment (if assigned by the representatives) Due for Lexis, Westlaw and Bloomberg: Friday, October 4, by 3:30 p.m.***

Week 7: October 7 -October 11

***Research Exercises and Log for Memo II Due: Monday, October 7 at 8:00 a.m.**

****Annotated Outline for Memo II Due: Monday, October 7 at 8:00 a.m.**
(One hard copy only and an electronic copy to me at klm7@case.edu). You must time-stamp and file the assignment in the correct drop box in Room 222.

TUESDAY Evening Firms: No class.

LLEAP class days (Monday, Tuesday, and Thursday) 1:15 – 2:40 p.m. in Room A65.

MONDAY CLASS: Touching Base on Memo II.

TUESDAY CLASS: More on Secondary Sources with Professor Judy Kaul.
Effective Research Strategies.
Updating Your Research.

Reading assignments: TBA

THURSDAY CLASS: Basic Rules of Citation.
Citation Games.

Reading assignments:

Handbook 6th ed. Chapter 10 **OR** 7th ed. Chapter 6

Materials pgs. H1-11

ALWD pgs. 1-32, 46-99, 105-127, 188-237, and 294-341

(You do not have to memorize the ALWD manual, but you have to be familiar the rules of citation, and you should refer to and rely on the manual to cite authorities correctly in every assignment.)

FRIDAY CLASS: **Professional Development Seminar (must attend three out of four during semester): Networking Skills Workshop and Relationship Building Panel: Friday October 11, 12:00 – 1:00 p.m., Room 159**

Ruchi Asher, AUSA, United States Attorney's Office; Justin Stevenson, Co-Founder, Bower Stevenson LLC; Delante Spencer Thomas, Deputy Inspector General, Cuyahoga County; Amelia J. Leonard, Seeley, Savidge, Ebert & Gourash

*****Begin *On-line Citation Exercises Due by Friday, October 25, by 3:30 p.m.* (See handout for instructions on their submission.)**

****** MANDATORY CONFERENCES—Monday, Tuesday, Wednesday, or Thursday (20 - 30 minutes each) on Memo I, and Annotated Outline for Memo II. Please sign up for a conference on Professor Mercer's door.**

Week 8: October 14-October 18

TUESDAY Evening Firms: No class.

LLEAP class days: (Monday, Tuesday, and Thursday) 1:15 – 2:40 p.m. in Room A65.

MONDAY CLASS: Leadership and Group Negotiation (and discussion with James Pasch?).

Reading assignments:

Druskat and Wolf, *Building the emotional intelligence of groups*
Review Group Negotiation Exercise, *City Council Budget*

TUESDAY CLASS: Final Q and A on Memo II.
Introduction to Contract Drafting; How to Read a Contract.

Reading assignments:

Canvas article by George W. Kuney, *The Elements of Contract Drafting with Questions and Clauses for Consideration* – Chapter 1 – *Fundamental Considerations in Contract Drafting*;
Stark Chapter 28

THURSDAY CLASS: Begin Drafting Tools.

Reading assignments:

Stark, Chapters 2, 3, 4, 9, 10, 11, 12, and 13

*** OPTIONAL SECOND CONFERENCES—Monday through Wednesday (15 minutes each) on Memo II. Please sign up for a conference on Professor Mercer's door.**

****Memo II Due Friday, October 18, at 3:30 p.m.** Submit two hard copies in the LAW office and email one electronic copy in WORD format to Professor Mercer at klm7@case.edu. You must time-stamp and file the assignment in the correct drop box in Room 222.

Week 9: October 21 - October 25

FALL BREAK (Monday, October 21 and Tuesday, October 22)

TUESDAY Evening Firms: No class.

LLEAP class days:

WEDNESDAY, THURSDAY, and FRIDAY: Work on Homework III WITH YOUR TEAM. No formal class.

FRIDAY CLASS: **Professional Development Seminar (must attend three out of four during semester): Effective and Professional Communication/Online Networking Strategies: Friday October 25, 12:00 – 1:00 p.m., Room A59**

Valissa Turner Howard, First Assistant Deputy General and Chief Diversity Officer, Agency of Inspector General, Cuyahoga County

****On-line Citation Exercises Due by Friday, October 25, by 3:30 p.m. (See handout for instructions on their submission.)***

Week 10: October 28 – November 1

TUESDAY Evening Firms:

Intro to Simulation 2: Tuesday, October 29, Learning about Counseling – 5:00 – 7:15 p.m. Room 157 (COMBINED CLASS OF ALL FIRMS).

LLEAP class day: (Tuesday, **Wednesday**, and Thursday) 1:15 – 2:40 p.m. in Room A65 on Tuesday and Thursday, Room TBA on Wednesday, Oct. 30.

TUESDAY CLASS:

Rules for Contract Structure/Format/Organization.

Reading assignments:

Canvas article by Thomas R. Haggard, *Legal Drafting – Process, Techniques, and Exercises – Chapter 11: Organization Legal Drafting*;
Stark, Chapter 5

WEDNESDAY CLASS:

Teamwork on Homework II.

Reading assignments:

Stark, Chapter 18 and 21

THURSDAY CLASS:

Read/Organize K in Class.

***Contract Homework I Due on Wednesday, October 30, by 8:00 a.m.** Time-stamp and file assignment in correct drop box in Room 222. Email copy to klm7@case.edu.

****Contract Homework II Due on Friday, November 1, by 3:30 p.m.** Time-stamp and file assignment in correct drop box in Room 222. Email copy to klm7@case.edu.

***** OPTIONAL CONFERENCES—Tuesday - Friday (15 - 20 minutes each) on Contract I assignment. Please sign up for a conference on Professor Mercer's door.**

Week 11: November 4 – November 8

***Contract I Due on Monday, November 4, by 8:00 a.m.** Time-stamp and file assignment in correct drop box in Room 222. Email copy to klm7@case.edu.

TUESDAY Evening Firms: SIMULATION #2 (1st set) 5:00 – 7:30 p.m. for half of Professor Bhagat's students only. See the schedule passed out in the joint pre-sim session.

LLEAP class days: (Monday, Tuesday, and **Wednesday**) 1:15 – 2:40 p.m. in Room A65 on Tuesday and Thursday, Room TBA on Wednesday, Nov. 6.

MONDAY CLASS: Avoiding Ambiguity and Achieving Clarity in Drafting Contracts.

TUESDAY CLASS: Defined Terms.

WEDNESDAY CLASS: Defined Terms.

FRIDAY CLASS: **Professional Development Seminar (*must attend three out of four during semester*): Public Speaking: Friday November 8, 12:00 – 1:00 p.m., Room A59**
Judge Brendan Sheehan, Cuyahoga County Common Pleas Court;
Marilena DiSilvio, Elk & Elk

Week 12: November 11 - November 15

MONDAY Evening Firms: SIMULATION #2 (2d set) 5:00 – 7:30 p.m. for half of Professor Gibson's students only. See the schedule passed out in the joint pre-sim session.

TUESDAY Evening Firms: SIMULATION #2 (2d set) 5:00 – 7:30 p.m. for the second half of Professors Bhagat and Gibson's students. See the schedule passed out in the joint pre-sim session.

LLEAP class day: (Tuesday) 1:15 – 2:40 p.m. in Room A65.

TUESDAY CLASS: Brainstorming.

Reading Assignments:

Blackboard article by George W. Kuney, *The Elements of Contract Drafting with Questions and Clauses for Consideration – Reviewing Documents – A Ten Point Checklist*;

Stark – Chapter 25

WEDNESDAY, THURSDAY, and FRIDAY: Work on Homework III WITH YOUR TEAM. No formal class.

***Contract Homework III Due on Friday, November 15, by 3:30 p.m.** Time-stamp and file assignment in correct drop box in Room 222. Email copy to klm7@case.edu.

Week 13: November 18- November 22

TUESDAY Evening Firms: No class.

LLEAP class days: (Monday and Tuesday) 1:15 – 2:40 p.m. in Room A65.

MONDAY CLASS: Introduction, Consideration, Signatures, Exhibits.

Reading Assignments:

Stark – Chapter 17

TUESDAY CLASS: Forms and Rules for Manipulating Them.
Miscellaneous Section and Recital Section.

Final Q and A on Contract II.

Reading Assignments:

Stark – Sub-Chapters 27.6, 27.7, and 27.8

Suggested readings: Stark Chapter 16, subchapter 6.3

Week 14: November 25 – November 29

***Contract II Due on Monday, November 25, by 8:00 a.m.** Time-stamp and file assignment in correct drop box in Room 222. Email copy to klm7@case.edu.

****Career Development Paper (Career Interview Summary and Reflection #1) Due on Monday, November 25, by 8:00 a.m.** You must time-stamp and file the assignment in the correct drop box in Room 222. Email copy to klm7@case.edu.

TUESDAY Evening Firms: No class.

LLEAP class day: Monday's class is optional/tentative in Room A65

MONDAY CLASS: Taking Exams. Optional.

LEADERSHIP ASSESSMENT AND DEVELOPMENT (Leadership Component of LLEAP)

Professor Katy Mercer
Professor Jaime Bouvier
Rm 240 – Gund Hall
jaime.bouvier@case.edu
(216) 368-5037

Introduction

In today's increasingly complex and fast-paced environment, your success will be based on your ability to know yourself well, build effective relationships with others, and adapt to changing circumstances. The aim of the leadership portion of LLEAP course is to deepen your self-awareness and prepare you to be an effective leader and life-long learner. The course is designed to be useful during law school and throughout your legal career. It will rely primarily on self-directed learning, experiential activities, assessment exercises, group discussions, and a one-on-one leadership coaching session.

We will begin this process of introspection by taking a learning styles assessment, interviewing people who are in careers that interest you and summarizing that experience, and crafting a personal vision statement with the help of a leadership coach. The process will continue throughout your law school experience where you will later have the opportunity to assess your leadership competencies and create a learning plan to reach your personal and professional objectives after you graduate. This process, named the intentional change process to describe how adults learn most effectively, will help provide a foundation for you to build better and more effective relationships with colleagues and clients. From mastery of this basic process comes the ability to lead and engage others effectively, preparing you to succeed in organizational and firm management.

Course Philosophy

We believe

- you are here because you want to grow in your knowledge and abilities;
- you learn best when you are in control of your own learning process and can choose developmental activities best suited to your personal situation;
- you learn best when you build on your current capability;
- feedback is necessary and important for your growth and development;
- an interactive and participative classroom helps you to learn best;
- to be an effective leader of others, you must first know yourself well. This includes being able to answer the question what do I really want to do and who do I really want to be in my work and my life?

Course Objectives

There are three primary objectives of this part of the LLEAP course:

- 1) to develop awareness of yourself in the context of your values, your personal vision, your career aspirations, and your leadership competencies;
- 2.) to develop awareness of yourself in relation to others through working with classmates in a learning group;
- 3.) to begin to develop a professional identity and understand what it means to be an effective and ethical lawyer and to develop a plan to increase your capacity to lead, manage, and work with others effectively.

Course Texts and Materials

You are expected to prepare for each class session by completing all of the reading assignments as indicated on the attached course outline and being ready to discuss them during class.

- Kolb Learning Style Inventory, version 3.1

Aside from the Kolb Learning Styles Inventory, which must be purchased from the bookstore, all readings will be posted on Blackboard, handed out in class, or distributed via e-mail.

Assignments

The course includes the following assignments:

Fall Semester

1. Learning Styles Inventory
2. Career Interview Summary and Reflection #1
3. Three Professional Development Seminars
4. Two meetings with Learning Group and Leadership Tutor to review practice exam
5. Group Negotiation Project

Spring Semester

1. Career Interview Summary and Reflection #2
2. Three Professional Development Seminars
3. Two meetings with Learning Group and Leadership Tutor to review practice exam.
6. Individual Coaching Session around Vision and Values.
7. Vision and Values Essay

Learning Styles Inventory

The first assignment is the Learning Styles Inventory. You need to buy a copy of this inventory from the bookstore and complete it before the first LEAD class. The first class is largely dedicated to discussing and working with the results of this inventory.

Career Interview Summary and Reflection #1 and #2

This is a short essay summarizing an interview of a person who is in a career that you may want to pursue. The purpose of this assignment is to help you gain more insight into that career choice. The assignment is to conduct an informational interview with an individual in a career or job of interest to you and to write a short essay that will help you think through and articulate what you learned from your interviewee and the process of setting up and taking the interview. Whether you are clear or confused about your career aspirations, this assignment will help to provide insight into what you want to do in the future. Reflection #1 will be completed during the fall semester. Reflection #2 will be completed during the spring semester.

Leadership Speaker Series

During the fall semester, students must attend three of the six professional development seminars as part of LLEAP. Students are, of course, welcome to attend more than three, but at least three are required. Attendance will be taken at each of these seminars. Six more professional development seminars will be offered in the spring, and students will be required to attend at least three of them.

Networking Skills/Relationship Building Panel	Thursday, Sept. 10 at 12pm
Michael Pascoe, Hahn Loeser & Parks LLP Andrew Geronimo, Singerman, Mills, Desberg & Kauntz Co., LPA Deborah Peters, Chief Operating Officer, Major Legal Services Michelle Sheehan, Partner, Reminger	
Online Networking/Social Media Strategies	Thursday, Oct. 22 at 12pm
Jon Hyman, Partner at Meyers, Roman, Friedberg & Lewis, author of "Think Before You Click: Strategies for Managing Social Media in the Workplace."	
Business Ethics	Tuesday, Oct. 27 at 12pm
Scott Scherff, Day Ketterer, former Vice President of Ethics & Compliance at Timken	
Leadership and Public Speaking	Monday, Nov. 2 at 1:30 p.m.
Judge Brendan Sheehan, Cuyahoga County Court of Common Pleas Marilena DiSilvio, Partner, Elk & Elk	
Emotional Intelligence and Strategic Legal Decisions	Monday, Nov. 9 at 1:30 p.m.
Yelena Boxer, Partner, Benesch	
How Vision and Values Serve Leadership in a Law Firm	Monday, Nov. 16 at 1:30 p.m.
Paula Wilson, Partner, Jones Day	

Learning Group Meeting with Peer Tutor

Students will be placed in learning groups based on their learning styles. Each learning group will be assigned a Peer Tutor, a 2L or 3L who is a tutor for one of the first year classes. Each learning group must meet with this tutor at least twice during the first semester for at least one hour each time: learning groups and tutors must arrange this meeting time on their own. The learning group will meet with a tutor at least once in the second semester.

For the first meeting, tutors will assign a single-issue hypothetical exam question. Each student will work through the exam on their own. Each student will bring his or her answers to the learning group meeting to discuss the question and the answer with the peer tutor supervising the discussion. The tutor will guide the discussion towards the skill of exam writing, including following a CRAC (Conclusion, Rule, Application, Conclusion) structure, understanding the structure of rule application, prioritizing the areas that require more in-depth analysis, identifying strengths and weaknesses in a legal argument, and understanding how to avoid conclusory answers. During the session, the learning group will

- discuss the answer
- discuss different ways of approaching the answer
- discuss strategies for writing excellent essay answers
- discuss outlining and other study methods for preparing for exams.

For the second meeting, tutors will assign a multi-issue hypothetical exam question. Each student will work through the exam on their own and then meet in the learning group to discuss that answer and to discuss any other questions group members may have about preparing for exams. In this session, in addition to the areas discussed in the first session, particularly close attention will be paid to prioritizing areas in a legal argument that require more in-depth analysis.

Group Negotiation Exercise

In the second class, learning groups will do a cooperative group negotiation exercise concerning government distribution of resources. This exercise will be distributed before the class so that students have the opportunity to fully review it before starting the negotiation.

Coaching Session Vision and Values

You will be given the opportunity to meet with a trained professional leadership coach to guide you through the process of developing leadership competencies. There will be three mandatory meetings over the next three years of your law school education. These meetings will roughly correspond with the creation of the following three assignments: the Vision and Values Essay (due second semester first year), interpretation of the 360 degree feedback, and the Learning Plan (due during your third year of law school).

Vision and Values Essay

The objective of this paper is for you to reflect upon and express an image of your desired future. In developing your paper, you should use your responses to exercises assigned in class. This essay will help guide your reflections on what you care most deeply about in your work and in your life and articulate it in writing. Combined with in-class activities and a coaching session,

you will identify or affirm your core values, your career aspirations, and your life goals and dreams.

Formatting Requirements

All papers should use Times New Roman 12-point font, be double-spaced, and have one-inch borders.

Syllabus

This Syllabus is subject to change. All changes will be announced in class before any assignment is due.

Class	Readings, Exercises, & Assignments
FALL SEMESTER	
<p>Class 1 Sept. 2</p> <p>Leadership and Self-Awareness</p>	<p>Topics. Course introduction. Individual learning style discovery. Formation of learning groups. Assigning Career Interview Summary #1.</p> <p>Assigned Readings</p> <ul style="list-style-type: none"> • Review Syllabus • Goleman, <i>Leadership that Gets Results</i> • Rhode, <i>Lawyers as Leaders</i> • Kolb Learning Styles Inventory Version 3.1 (Bookstore – please complete before class). <p>In-Class Exercises</p> <ul style="list-style-type: none"> • Learning Styles in Action <ul style="list-style-type: none"> ○ Planning a Vacation ○ Assumptions about opposing Learning Styles
<p>Class 2 Oct. 14</p> <p>Working Effectively in Groups</p>	<p>Topics. Building the emotional intelligence of groups. Group negotiation exercise.</p> <p>Assigned Readings</p> <ul style="list-style-type: none"> • Druskat and Wolf, <i>Building the emotional intelligence of groups</i> • Review Group Negotiation Exercise, <i>City Council Budget Committee</i> <p>In-Class Exercises</p> <ul style="list-style-type: none"> • Group Negotiation • Assessment of Negotiation

Class	Readings, Exercises, & Assignments
SPRING SEMESTER	
<p style="text-align: center;">Class 3</p> <p>Vision and Values</p>	<p>Topics. The Intentional Change Process, Self-Awareness, and Vision and Values.</p> <p>Assigned Readings</p> <ul style="list-style-type: none"> • Schein, Career Anchors • Career Orientations Inventory • Goleman & Boyatzis, <i>Social Intelligence and the Biology of Leadership</i> <p>In-Class Exercises</p> <ul style="list-style-type: none"> • Catch Your Dreams • Speed Visioning
<p style="text-align: center;">Class 4</p> <p>Professionalism in Law School and in Practice</p>	<p>Topics. Lawyers as Leaders and Developing a Professional Identity.</p> <p>To be completed <i>before</i> class</p> <ul style="list-style-type: none"> • Todd David Peterson and Elizabeth Peterson, <i>Stemming the Tide of Law Student Depression: What Law Schools need to learn from the Science of Positive Psychology</i>, 9 YALE J. HEALTH POL'Y LAW & ETHICS 357 (2009) • Sheldon & Krieger, <i>What Makes Lawyers Happy</i> • A Lawyer's Creed of Professionalism • Maister, True Professionalism <p>In-Class Exercises</p> <ul style="list-style-type: none"> • Group Discussion and Problem Solving

Assignment	Due
FALL SEMESTER	
Learning Styles Inventory	First Class September 2
Career Interview Summary and Reflection #1	As noted in Legal Writing Syllabus
Attend 3 Professional Development Seminars	As scheduled
Participate in 2 Learning Group Exercises with Leadership Tutor	As scheduled
Group Negotiation Exercise	Second Class October 14
SPRING SEMESTER	
Career Interview Summary and Reflection #2	As noted in Legal Writing Syllabus
Attend 3 Professional Development Seminars	As scheduled
Participate in 1 Learning Group Exercise with Leadership Tutor	As scheduled
Meet with Leadership Coach	As scheduled
Vision and Values Essay	As scheduled

LLEAP 2 -- Spring Semester 2019

ADVOCATE TEAM—Professor Mercer Course Policies & Tentative Syllabus

Team Faculty:

Professor Kathryn Mercer

Monday, Tuesday, Wednesday, Thursday 1:15 – 2:40 p.m. **Room 158**
(class will generally meet three times per week)

LAW Firms:

Firm 2E, 2F Prof. Bhagat	Tuesday	5:00—7:30 p.m.	Rm. TBA
Firm 2G, 2H Prof. Gibson	Tuesday	5:00—7:30 p.m.	Rm. TBA

Research Librarian: Judith Kaul

Contacting Professor Kathryn Mercer

By e-mail: kathryn.mercer@case.edu
In person: Room 207 (by appointment or, to the extent time permits, on a first-come, first-served “walk-in” basis).
By telephone: 368-2173 (office)
752-4106 (home) (before 11:00 p.m. and after 8:30 a.m.)

Contacting Librarian Judith Kaul

By e-mail: jak4@case.edu
In person: In the library (by appointment or, to the extent time permits, on a first-come, first-served “walk-in” basis).
By telephone: 368-8570 (office)

Contacting Department Assistant Elissa Tennant

By e-mail: elissa.tennant@case.edu
In person: On the second floor of the law school, Room 222 (Legal Analysis and Writing Office)
By telephone: 368-5221 (office)
Hours: 7:30 a.m.-4:00 p.m. (unless otherwise noted)

Contacting Professor Kavitha Bhagat (Firm E and F)

By telephone: 216-862-8285 (office) and 605-228-7960 (cell)
By e-mail: kavitha.giridhar83@gmail.com

Contacting Professor Richard Gibson (Firm G and H)

By telephone: (216) 883-4000
By e-mail: 4rgibson@gmail.com

Contacting Teaching Assistants

Geneva Claflin 2L grc29@case.edu
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Former Teaching Assistants

Hugh Dowell hpd4@case.edu
Michael Klamo msk142@case.edu
Corey Stevenson cjs206@case.edu

Contacting Lexis, Bloomberg, and Westlaw Representatives

Lexis: Jennifer Parnell – jennifer.durkin@lexisnexis.com
Westlaw: Samuel Berbano – samuel.berbano@thomsonreuters.com
Bloomberg: – Isis Filipek iFilipek@bna.com

Course Texts and Materials for LLEAP 2:

1. Coleen M. Barger, *ALWD Citation Manual*, (6th ed., Wolters Kluwer Publishers 2017) (“ALWD”).
2. Editors of the Columbia Law Review, The Harvard Law Review, The University of Pennsylvania Law Review, and the Yale Law Journal, *The Bluebook: A Uniform System of Citation*, (20th ed., Harvard Law Review Association 2015) (“Bluebook”).
3. Laurel Currie Oates, Anne Enquist, *The Legal Writing Handbook* (6th ed., Wolters Kluwer Publishers 2014) or Laurel Currie Oates, Anne Enquist, *The Legal Writing Handbook* (7th ed., Wolters Kluwer Publishers 2018) (“Handbook”).
4. Tina Stark, *Drafting Contracts* (2d ed., Wolters Kluwer Publishers 2013) (“Contracts”).
5. Deborah E. Bouchoux, *Aspen Handbook for Legal Writers*, (4th ed., Wolters Kluwer Publishers 2017) (**Optional**).
6. Photocopied Handouts (“Materials”).

Schedule for Readings: Generally, all reading, writing, and research assignments are listed under the class in which they are due.

Revisions: Additional assignments may be added to the schedule as class progresses. Additional handouts will be distributed.

Storage: Please have a three-ring binder for Materials and additional handouts.

Expected Outcomes:

LLEAP 2 is designed to help first-year law students continue to develop analytical skills, hone the research skills necessary to the practice of law, and refine the ability to write clear, concise, and correct legal memoranda and contracts. The course is also designed to help students develop a professional identity, understand what it means to be an effective and ethical lawyer, and increase students' capacity to lead, manage, and work with others in teams. By the end of the second semester, each LLEAP 2 student will be able to:

- 1.1 conduct independent legal research, both statutory and case law, finding and analyzing the applicable law on a specified topic;
- 1.2 write a motion to dismiss that persuasively argues for dismissal of a claim based on the pleadings using the law researched by the student;
- 1.3 write a motion for summary judgment that argues for judgment based on the undisputed facts that have been developed in the case, and the law as researched by the student;
- 1.4 negotiate a settlement agreement or other contract;
- 1.5 conduct an oral argument based on a motion for summary judgment or another pending motion or brief; and
- 1.6 write a complete contract using appropriate principles of organization, clarity, drafting tools, definitions, brainstorming of terms and use of forms.

Attendance: Attendance is *required* for scheduled classes. Unexcused absences will be taken into account in determining your final course grade. In the event you cannot attend a class, please *notify Professor Mercer for LAW classes, and both Professor Mercer and either Professor Bhagat or Professor Gibson for simulation classes* as soon as possible and in advance of class if at all possible.

Simulations Attendance: All simulation assignments must be completed in order to get credit for the course. If you miss a scheduled simulation, it is *your responsibility to arrange a makeup session* by contacting your Law Firm Professor (either Professor Bhagat or Professor Gibson) **and** Professor Mercer.

Promptness and Deadlines: Ability to meet deadlines is an important attribute of effective legal professionals. Your grade will take into account class attendance, as well as effort and participation. Assignments are due at the time specified on the syllabus by filing and time-stamping the same using the time-stamping machine provided in Room 222 during its regular business hours. *Failure to turn in an assignment on time and in the proper format will result in a reduction of your grade.* Generally, your grade will be reduced by four points (one grade) for any portions of each day that it is late. ***All assignments must be completed.*** You will fail this course if you fail to turn in any assignment.

Exceptions: Professor Mercer has the sole authority to grant or deny requests for relief from any policy or rule pertaining to the written assignments. Professor Mercer may grant extensions

when, in her sole discretion, good cause has been shown.¹ Extensions should be obtained no later than one day in advance of the due date. Professor Mercer has the sole authority to grant or deny requests for relief from any policy or rule pertaining to the simulations.

Ethical Responsibilities:

In General: Except as otherwise expressly provided, you are bound by the Honor Code and Academic Regulations of the Law School. These rules apply to this course. We believe that honesty and integrity are core qualities of a good lawyer and we will consequently enforce these rules and regulations strictly. Please make yourself aware of their content and conform your behavior to them. In particular, please note Rules 2 and 3 of Part II of the Law School Code of Conduct, which are reproduced below:

2. **Improper Cooperation on Work:** No student shall cooperate with another student, or solicit cooperation from or offer cooperation to another student, in the preparation of any written work submitted for credit, unless cooperation is specifically allowed by the instructor or by the program in which the student is participating.
3. **Plagiarism:** No student shall submit any written academic work that is plagiarized. Plagiarizing is knowingly copying or paraphrasing works or appropriating ideas from another's work without clearly identifying them as the work of another.

Please also review the commentary on Plagiarism in the Law School Code of Conduct in the Student Handbook. This prohibition against plagiarism applies to student work product, attorney briefs and court decisions, among other sources.

With respect to Rule 2, no cooperation is permitted in the preparation of materials for this course, either researching or writing, except as is specifically authorized by Professor Mercer in her instructions for preparing an assignment. If you have questions regarding the application of these rules to a specific situation, clarify the situation with Professor Mercer.

Unauthorized Cooperation: In awarding grades for any brief or contracts writing assignment, I will be assessing your personal mastery of the skills discussed during class, not your ability to work as a member of a group. Toward that end, except for specific in-class or out-of-class work that I specifically authorize, you are not permitted to work with anyone else when completing a brief or contracts writing assignment. As an illustration of actions prohibited by the Code of Conduct, students may not, unless specifically authorized by me, participate in any of the following actions:

¹Request for extensions are discouraged. Nevertheless, if you need an extension, *ask for it*. The worse thing that can happen is that the request will be denied.

collaborate with any person other than me or the Teaching Assistants or Writing Center Assistants when analyzing or drafting any brief or writing assignment;

share work related to any brief or writing assignment with another student other than the Teaching Assistants or Writing Center Assistants;
review assignments or materials distributed during prior semesters or distributed in other course sections (**but note: you are welcome and advised to refer to and use last semester's and the current semester's materials that I have provided you as part of our class**);

discuss the terms of any pending brief or writing assignment with any other person either within or outside the law school (**except that you may always discuss a pending brief or writing assignment with me, the Teaching Assistants, or the Writing Center Assistants**);

consult forms or existing contracts that I have not distributed to you, whether for language or ideas, including, but not limited to, forms or existing contracts that are available in your personal records or books, on the internet, or from law firms or other persons;

electronically share with other students other than a Teaching Assistant or a Writing Center Assistant copies or drafts of a brief or writing assignment, or allow another student other than a Teaching Assistant or a Writing Center Assistant to access your personal electronic materials.

give or solicit such cooperation from any person at all (including spouses or typists) in the editing of brief or writing assignments.

Questions: To the extent you have any question as to whether the cooperation or collaboration you contemplate constitutes “unauthorized cooperation,” please seek clarification or authorization from your Professor before giving or receiving such cooperation.

Class Meeting Times: Attached are individual schedules of meeting times according to the LLEAP Group and Firm to which you are assigned. The syllabus identifies what you will be doing in each class session, while the schedule shows you when and where your classes meet. Although the class schedule is largely established, it may change from time to time. For example, there may be changes to allow for joint sessions or other special classes. *It will be your responsibility to attend class when and where scheduled throughout the semester.*

Assignments: This syllabus, assignments, course materials and other documents will be posted from time to time on Canvas. It will be your responsibility to check Canvas to ensure that you have all the necessary documents and information related to this course.

Teams:

You will be assigned to a Team (generally consisting of three students) to work on any homework. During LLEAP 2, each member of the Team will receive the same Team grade for

any homework done. Each Team is welcome to meet collectively or in subgroups with me, as needed.

Grading and Assignments:

Points attributable to LLEAP 2: (Total possible points: 100)

These weights are tentative, approximate, and subject to revision. Effort and class attendance and participation may be considered.

<u>Due Date*</u>	<u>Assignment/Subject</u>	<u>Points</u>
Monday, Feb 11	Motion to Dismiss	20
Monday, Feb 25	Outline for the Summary Judgment Motion	Check plus
Mon., March 4	Redraft Motion to Dismiss	10
Mon., March 25	Final Summary Judgment Motion	50
Mon., April 1	Leadership Career Interview	TBA
	Simulations	15
	Critiques, Outlines, and Volunteer Opportunities	5
	Total =	100

*All assignments are due by 10:00 a.m. on the day that they are due, unless otherwise announced in class or on the weekly schedule.

There will be no specific points for participation, attendance, professionalism, and effort, but I reserve the right to adjust grades based on these factors.

ALL ASSIGNMENTS MUST BE COMPLETED IN ORDER TO PASS THE COURSE.

Style Requirements:

All written assignments shall be completed *by the deadline* in *two* forms:

- (1) by hard copy hand-delivered to the LAW offices, Room 222, where you must stamp your copy with a machine that records date and time, on the back of the last page, and
- (2) by electronic delivery to Professor Mercer via her faculty e-mail address. (klm7@case.edu)

Format requirements:

- a) Hard copies must be typed, double-spaced on 8-1/2" x 11" paper with 1" margins on all sides.
- b) Use Word format.
- c) Pages must be numbered.
- d) **Proofread your written work thoroughly.**
- e) Papers must be entirely printed (including any footnotes) in **12 point Century Schoolbook** typeface. (Note the change from last semester).
- f) Page limits or word counts, if any, must be respected. Your grade on each paper will reflect appropriate penalties for excessive length. Papers longer than the page limit may not be graded beyond the page limit.
- g) There may be a word count limit for papers as well which must be adhered to.
- h) Unless otherwise instructed, ***all papers and assignments must include your name or your student number, your Professor's name and Team name (Mercer Advocates), on the upper right hand corner of the top page of each written project. Please use your student number rather than your name for all graded papers and contracts (versus the annotated outline, and homework assignments).***
- i) Turn in multiple copies of your assignment when so instructed.

Students may not deviate from these style policies unless they have, in advance of handing in an assignment, obtained consent from Professor Mercer. Professor Mercer ordinarily will not grant such consent. Whether to do so is totally within the discretion of Professor Mercer. *Failure to obtain consent for a variation, or failure to abide by the style policies specified above, may result in a grade reduction or the student receiving no credit for the assignment.*

General Instructions for Handing In Hard Copies of Written Assignments:

Elissa Tennant's hours are 7:30 a.m. to 4 p.m. Papers may not be handed in earlier than 7:30 a.m. It is the student's responsibility to time-stamp the hard copy of the assignment, on the back of the last page.

Simulation:

Your simulations this semester will be a contract negotiation and an oral argument on your motion for summary judgment. Before the simulation, you will attend a pre-simulation lecture given by me and Professors Gibson and Bhagat. In class, the professors will discuss the simulation and the skills to be practiced. You are required to read all assignment material in preparation for the class. After the pre-simulation lecture, at your scheduled time, you will perform the simulation. You must complete your simulation to receive credit for the course.

The simulation assignment, Feedback/Evaluation Form, and schedule for the simulation will be distributed prior to the simulations. You will be assigned specific times to perform your simulations. Your Firm Professor will critique your performance and lead the class through the simulation.

You are permitted and encouraged to collaborate in preparing for the simulations, but you must perform the assignment in class on your own. You may not discuss the simulations with students who have not yet performed. Each of you will be evaluated on your performance in each simulation. Simulations are evaluated according to the criteria on the evaluation forms, which you will receive in advance of the simulation. You may contact your Firm professor to discuss the score you received.

Leadership/Professional Development Seminar Attendance: You must attend three of the five leadership seminars. Please make sure to sign in for each leadership seminar that you attend. Most will be held on Fridays from 12:00 to 1:00 p.m.

February 1	Ohio Legal Assistance Program
February 15	Business Development and Business of Law
February 27	CMBA Wellness Day (noon session included)
March 1	Community and Board Involvement
March 22	Best Practices for a Successful Summer Job

Schedule

Week 1: January 14-January 18

Tuesday Firms: No class

LAW class days: Monday and Thursday

FIRST CLASS: Introduction to Spring Curriculum and Persuasive Writing
Begin Team Work on Play Chem and assign a side
* Prepare answers on Lee (Wong) v. Play Chem (see p. A13 of Materials) so as to be ready for group assignment

Reading: Lee v. Play Chem Corporation (Materials, A10 to A13)

SECOND CLASS: Brainstorm Issues for the Motion to Dismiss
Motion to Dismiss problem (passed out in class)
Groups of three assigned a topic from Motion to Dismiss to research and prepare a Research Report
Continue work on Play Chem

Reading: *Materials*, A1 to A9, B65 to B71

Week 2: January 21-January 25

Monday, January 21: MARTIN LUTHER KING, JR. DAY—LAW SCHOOL CLOSED

Tuesday Firms: No class

LAW class days: Tuesday, Wednesday, and Thursday

FIRST CLASS: Lab on Advocating for your Client (Play Chem):
Presentation of Arguments (three sets)

Reading: *LW Handbook* pp. 301-316 (6th ed.) or 297-312 (7th ed.)

SECOND CLASS: Research Reports
Each group turns in a one page summary of research results, an annotated list of authority and a cost estimate of what compete research on the topic would take @\$200/hour. Groups deliver the information orally.
How to do persuasive facts.

Reading: *Point Made*, “The Theme” and “The Tale,” pp. 1 – 72 (see scanned doc on Canvas)

THIRD CLASS: Lab on Drafting Persuasive Facts and on Advocating for your Client. Each group is to meet and to draft persuasive facts for or against Hawley. Groups are to post persuasive facts on Canvas by 2/4, 1:15 p.m. in preparation for class during which groups will present their facts to the class.

Reading: *LW Handbook* pp. 317 – 342 (6th ed.) or 313-337 (7th ed.)
Point Made, “The Meat,” pp. 85 – 152

Week 3: January 28-February 1

Tuesday Firms: No class

LAW class day: No classes

Professional Development Series 12 p.m. - 1 p.m.
Attend three of five

February 1	Ohio Legal Assistance Program
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Week 4: February 4-February 8

LAW class days: Monday, Tuesday, Thursday

FIRST CLASS: Go over group work on Hawley facts.
Lecture on persuasive point headings.
Begin work on Janet Blossom persuasive facts and theme.
Draft point headings for or against Janet Blossom. Teams post point headings by 1:15 p.m. on 2/5.

Reading: Make sure you read the *Materials*, C1 to C22 before class so that we can begin the group work on Janet Blossom.

SECOND CLASS: Discussion of Blossom point headings.
Review format for the Motion to Dismiss.
Lecture on Preliminary Statements and teams draft Preliminary statements for the Blossoms. Continue work on persuasive facts. by 2/8 at 10:00 a.m. Please post on Canvas.

Reading: *LW Handbook* pp. 343 – 379 (6th ed.), 338-374 (7th ed.)but note format difference from that taught in class. Please follow the skeletal brief format. See Parker v. Parker skeletal brief on Canvas.

THIRD CLASS: Last questions on Motion to Dismiss.
Discussion of teams' preliminary statements and persuasive facts

Week 5: February 11-February 15

***Motion to Dismiss Due on Monday, February 11, 2019, by 10:00 a.m. One hard copy.**
Time-stamp and file assignment in correct drop box in Room 222. Email copy to klm7@case.edu.

LAW class days: Monday, Tuesday, Wednesday or Thursday (tentative), and Friday (opt.)

FIRST CLASS: Motion for Summary Judgment passed out. Assign a side.
Leadership class -- Catch Your Dreams, Speed Visioning and Career Anchors.

Reading: Schein, *Career Anchors* (on Canvas)
Goleman & Boyatzis, *Social Intelligence and the Biology of Leadership* (on Canvas)

SECOND CLASS: Groups present oral arguments for and against Janet Blossom's request for custody of her son. One or two team members may present the argument. The others will act as judges.

THIRD CLASS: **There is also a class during the normal LLEAP time 1:15 – 2:40 p.m. on Wednesday, February 13 with Deans Polly and McCarthy, and Professor Dunn on the Bar Exam.

FOURTH CLASS: Professional Development Series 12 p.m. - 1 p.m.
Attend three of five

February 15	Business Development and Business of Law
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Week 6: February 18-February 22

**Tuesday, February 19 All Firms: Pre-Simulation Lecture on Negotiation/Settlement Conference
5:30 - 7:00 p.m. Room TBA (Simulation #1)**

LAW class days: Monday, Tuesday, and Thursday

FIRST CLASS: The Ethics of Advocacy and
Duty to Disclose Controlling Authority

Reading: Materials, B1 to B64
ABA Rule 3.3; Michael J. Higdon, When the Cases Give You
Lemons (Posted on Canvas)

SECOND CLASS: Professor Judy Kaul
Federal Enacted Legislation and Administrative Law
(Possible reading on Canvas.)

THIRD CLASS: Thursday, February 21

WESTLAW/LEXIS/Bloomberg Training 1:15 – 2:40 in Room TBA.

Week 7: February 25-March 1

***Annotated Outline of Motion for Summary Judgment Due on Monday, February 25, 2019, by 10:00 a.m. One hard copy.** Time-stamp and file assignment in correct drop box in Room 222. Email copy to klm7@case.edu

Tuesday Firms – Simulation #1 Negotiation (1st set)

LAW class days: Wednesday, Thursday day, and Thursday night

FIRST CLASS: Oral arguments on Motion to Dismiss or TBD

SECOND CLASS: Professor Judy Kaul: Alternatives to Lexis, Westlaw and Bloomberg (first 45 minutes).

Reading: Laura K. Justiss, *Survey of Electronic Research Alternatives to LexisNexis and Westlaw in Law Firms*, 103 LAW LIBR. J. 71 (2011) <http://heinonline.org/HOL/Page?handle=hein.journals/lj103&id=71&collection=aallar&index=journals/lj>

Leadership class -- Lawyers as Leaders and Developing a Professional Identity (to the end of class).

Group Discussion and Problem Solving

Reading: Todd David Peterson and Elizabeth Peterson, *Stemming the Tide of Law Student Depression: What Law Schools need to learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y LAW & ETHICS 357 (2009) (on Canvas)

Sheldon & Krieger, *What Makes Lawyers Happy* (on Canvas)

A Lawyer's Creed of Professionalism (on Canvas)

Maister, *True Professionalism* (on Canvas)

THIRD CLASS: Attend ABA Team Night 5 or 5:30 p.m. – 7:30 p.m. Thursday, February 28. Food will be provided.

FOURTH CLASS:
Professional Development Series 12 p.m. - 1 p.m.
Attend three of five

February 27	CMBA Wellness Day (noon session included)
March 1	Community and Board Involvement

MANDATORY CONFERENCES: Wednesday, February 27 – Friday, March 1 (*You must sign up for a time on Professor Mercer's office door.*)

Week 8: March 4-March 8

***Redraft of Motion to Dismiss Due on Monday, March 4, 2019, by 10:00 a.m. Two hard copies.** Time-stamp and file assignment in correct drop box in Room 222. Email copy to klm7@case.edu.

Tuesday Firms – Simulation #1 Negotiation (2nd set)

LAW class days: Monday, Tuesday, and Wednesday

FIRST CLASS: Citation Review – Please bring ALWD and BB citation manual.

Reading: Citation Review *Materials* E1 to E7 in prep for writing brief

SECOND CLASS: Formalities of a Brief

Reading: LW Handbook pp. 415 – 464 (6th ed.) or pp. 408 -456 (7th ed.). Use the sample appellate briefs at pp. 465 - 489 and pp. 490 - 507 (6th ed.) or pp. 457- 480 and pp. 482 – 499 (7th ed.) as models of persuasive techniques and persuasive writing, but for format, follow your class instructions. Remember that you are filing a brief in support or in opposition to a motion for summary judgment, not an appellate brief.

Materials A14 to A17, DB1 to DB8

DC1 to DC54 has background materials and model briefs at DC 23-DC33 and DC41-DC50. Also look at sample briefs in Appendix A to the Materials. Again be careful of format differences. There are sample briefs from prior years in Mercer's A papers binder on top of the file cabinet outside my office.

Point Made, "The Close," pp. 237 – 248

MANDATORY CONFERENCES: Monday, February 4 – Wednesday, March 6 (*You must sign up for a time on Professor Mercer's office door.*)

Week 9: March 11-March 15

Spring Break – March 11-March 15: No classes

ENJOY!

Week 10: March 18-March 22

SPECIAL LECTURE WITH JUSTICE SHARON KENNEDY regarding Oral Arguments on Monday, March 18 at Tinkham Veale University Center Ballroom A, Second Floor, 5:00 – 6:00 p.m.

Tuesday Firms – No class

LAW class days: Tuesday

FIRST CLASS: Final questions on Summary Judgment

Professional Development Series 12 p.m. - 1 p.m.
Attend three of five

March 22	Best Practices for a Successful Summer Job
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Week 11: March 25-March 29

Final Draft of Brief in Support of Motion for Summary Judgment with *Certificate of Service Due on Monday, March 25, 2018. Filed with Elissa Tennant by 10:00 a.m., and copies EXCHANGED with the student that you are arguing against – see the oral argument schedule. Please place the exchanged brief in the Mail Folder of your opponent subsequent to filing your Brief in the LAW office.

Time-stamp and file your assignment **and one copy** in the correct drop box in Room 222.

Tuesday Firms: Tuesday, March 26 All firms: Pre-Simulation Lecture on Oral Advocacy for Motion Argument 5:30 – 7:00 p.m. in Room TBA (Simulation #2)

LAW class days: One class: Date and Time to Be Determined

FIRST CLASS: Class will meet at 5 p.m. in the Tink. Judge Kennedy from the Ohio Supreme Court will lecture on Oral Argument.

Reading: *LW Handbook* pp. 509 – 525 (6th ed.) or pp. 501 – 516 (7th ed.)

Week 12: April 1-April 5

***Leadership Career Interview Due on Monday, April 1, 2019, at 10:00 a.m.**

Tuesday Firms:

Evening Bhagat firms: Oral Argument on Motion for Summary Judgment (Simulation #2)

Reading: Handout: Excerpt from R.L. Dessem, *Pretrial Litigation: Law, Policy & Practice* (3d ed. West 2001), Chapter 11 (“Motion Argument”), pp. 456 - 472

Monday and Tuesday evening: Bhagat Firm – 5:30 – 8:30 p.m. – see schedule for which day. In Rm. TBA on Monday and Tuesday, April 1 and 2.

Evening Gibson firms: Oral Argument on Motion for Summary Judgment (Simulation #2)

Reading: Handout: Excerpt from R.L. Dessem, *Pretrial Litigation: Law, Policy & Practice* (3d ed. West 2001), Chapter 11 (“Motion Argument”), pp. 456 - 472

Wednesday and Thursday Evening: Gibson Firm – 5:30 – 8:30 p.m. on Wednesday and 6 – 8:45 p.m. on Thursday – see schedule for which day. In Rm. TBA on Wednesday, April 3. In Rm. TBA on Thursday, April 4.

LAW class days: Wednesday and Thursday

FIRST CLASS: Final Thoughts about Succeeding as a Lawyer

SECOND CLASS: Lexis and Bloomberg Training (Transactional Sites) 1:15 – 2:40 in Room TBA. Thursday April 4

Week 13: April 8-April 12

Tuesday Firms: No class

LAW class days: No class

Week 14: April 16-April 20

Tuesday Firms: No class

LAW class days: No class