

Lawyering Skills for LLM Students

Professor Rob Kahn

Librarians Don Zhou, Megan McNevin, Nick Farris, and Valerie Aggerbeck

W 1:30-2:25pm; F 1:30-3:25pm

Room 242

Introduction: Welcome to Lawyering Skills for LLM Students! This course will expose you to the US legal system by having you draft documents that US trained lawyers produce, including: 1) objective legal memos, 2) advice letters to clients; and 3) persuasive briefs filed to the court. In the process, you will learn about American procedural law, the writing style most US legal readers prefer and how to conduct legal research in a common law legal system.

It is exciting to learn about a new legal system. But it can also be scary. I know this. In the 1990s I did dissertation research in France and Germany on Holocaust denial litigation. The civil law tradition and inquisitorial legal procedure were quite new to me. Usually I was fascinated by the civil law system; at times I was frustrated. I hope this class helps build your excitement about the American legal system while helping you overcome your moments of frustration.

The centerpiece of the class are the research and writing assignments. During the semester you will write an objective legal memo, a client advice letter, and a persuasive legal brief. There will also be a midterm and a series of legal research exercises. The goal of these exercises is to strengthen your legal English vocabulary, expose you to common law legal analysis, and give you first-hand experience with American style legal writing.

Librarians Don Zhou, Megan McNevin, Nick Farris, and Valerie Aggerbeck and I are here to help you through this process. If you have questions, do not hesitate to ask. We will answer your emails and see you in person at our offices. Our goal is to make your experience at the University of St. Thomas a happy and productive one. Welcome aboard!

Course Schedule:

- (1) Orientation Week – During Orientation Week, we will meet each day, starting on Monday, August 18th. On Monday we will meet in the afternoon; the rest of the week we will meet at 10:00am. The orientation week classes will give you a basic introduction to the American legal system and to prepare you for doctrinal classes you may be taking (such as Contracts and Business Associations).
- (2) The Fall Semester – During the Fall Semester we will meet an hour each Wednesday and two hours each Friday. These classes will focus on how US-trained lawyers research, analyze and write about the law. The class will also briefly cover those aspects of civil procedure, administrative law and criminal procedure that often arise in writing legal memos and briefs. Finally, each Friday we will focus on developing legal English skills (including grammar, vocabulary, and American legal idioms).

Course Grade: The course grade is based on the following components:

1. First draft of common law memo -- ungraded
2. Revision of common law memo -- 10%
3. Midterm -- 20%
4. Client Advice Letter-- 20%
5. Legal research memorandum and revision -- 20%
6. Persuasive Brief (open universe) -- 30%

Your grade on the writing exercises is based only in part on the substance of your analysis. I am also looking for clear, well-organized, concise prose. The first draft of the legal memo is ungraded.

Course Books: The following books are available for purchase at the bookstore. Additional materials will be distributed in class handouts:

--Nadia Nedzel, Legal Research and Writing for International Graduate Students (3d ed. 2012).

--Debra S. Lee, Charles Hall, and Susan M. Barone, American Legal English: Using Language in Legal Contexts (2d ed. 2007)

--The Bluebook, A Uniform System of Citation (19th ed. 2010).

Prof Kahn's Office Hours

My office hours are Tuesdays and Thursdays from 12:30 to 3:30pm. In addition, I will be in my office on days I am teaching. Feel free to drop by or make a specific appointment. My office is MSL 315. My phone number is (651) 962-4807. You can reach me at rakahn@stthomas.edu.

Librarian Office Hours

Don Zhou: Monday - Friday: 8 am to 5 pm (except when he is at meetings or have to leave early for some unexpected errands). Please feel free to stop by or make an appointment. His office is MSL 116 and his phone number is (651) 962-4868. You can also reach him at zhou3603@stthomas.edu.

Megan McNevin: Monday - Friday: 8 am to 4 pm. Please feel free to stop by or make an appointment. His office is MSL 212 and his phone number is (651) 962-4906. You can also reach him at megan.mcnevin@stthomas.edu.

Nick Farris: Monday - Friday: 8 am to 5 pm. Please feel free to stop by or make an appointment. His office is MSL 210 and his phone number is (651) 962-4913. You can also reach him at rfarris@stthomas.edu.

Valerie Aggerbeck: Monday - Friday: 10 am to 6 pm. Please feel free to stop by or make an appointment. Her office is MSL 211 and her phone number is (651) 962-4909. You can also reach her at vraggerbeck@stthomas.edu.

Writing Fellow

The writing fellow for our course is Anne Rondoni. She will set up office hours each week and be available to answer questions about your research and writing assignments and help you get through the writing and editing process. She will not, however, revise and edit your own writing; you must do this yourself. She can be reached at rond3834@stthomas.edu.

Class Policies

Attendance: I will take attendance at the start of each class. If you are not present, you will be marked as absent. If you miss a class, you are responsible for all materials, assignments, and announcements covered in class. If you have an excessive number of unexcused absences, I reserve the right to lower your final grade by up to two grade increments (for example, from an A- to a B, or from a C+ to a C-).

Participation: Class participation enriches the experience for you and your classmates. I reserve the right to lower the grade of any student who 1) is routinely unprepared to participate in class discussions; 2) treats other students disrespectfully; or 3) fails to make a good faith effort on class exercises or homework. In exceptional circumstances I will raise a student's grade who has consistently contributed to class discussions (here quality is more important than quantity).

Completion of all Assignments: You will be subject to a grading penalty if you fail to complete any of the assignments in the course – including research assignments.

Readings: Please do the readings before class. The readings provide background material that will help you take part in the class. Unless otherwise indicated, do not read the exercises included in the books.

Writing Assignments: All papers must be double spaced, use 12-point font, and have one-inch margins. Put page numbers at the bottom center of each page. Papers that violate the length limits and/or format limits are subject to a grading penalty.

Timeliness: Please turn in all assignments (including research assignments) on time. Exceptions for lateness (i.e. illness, family emergency) must be presented to me in writing before the deadline. Computer problems or oversleeping are not valid excuses. Absent a valid excuse, I will deduct up to 10% of the points for a paper up to 24 hours late, up to 20% of the points for a paper up to 48 hours late, up to 30% of the points for a paper up to 72 hours late, and up to 40% of the points for a paper more than 72 hours late.

Code of Student Responsibility: All regulations in the University of St. Thomas Code of Student Responsibility govern this class. Please note the following:

Part II, §1.01 defines academic misconduct:

- “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. *Plagiarism.* Plagiarism occurs when students claim or submit as their own original work the research, ideas, or writing of another without acknowledging and clearly identifying the source, all without regard to the quantity of materials used. Examples of plagiarism include copying, summarizing, or paraphrasing another’s work without proper attribution. It is not a defense to plagiarism that there was no intent to deceive, to misrepresent, or to gain any unfair advantage.”
- “C. *Misuse of Property or Services at the Law School.* Misuse of property or services includes stealing, hiding, damaging, defacing, destroying, or impeding access to property or services of the library, of the law school, or of any member of the law school or university community.”

Additional Note about Plagiarism: Most problems with plagiarism can be avoided if you follow two simple rules:

- 1) When you directly quote more than 5 words from a source, use quotation marks and cite the source. Using quotation marks gives credit to the source of your material and often makes your analysis more persuasive by showing that others share your point of view.
- 2) When you paraphrase (take the ideas from) a source, you must also cite – even if you do not use quotation marks. Do not present another’s words as your own. Instead, acknowledge the source. This respects the source of the information and, as noted above, makes your analysis more persuasive.

Collaboration on Writing Assignments: Unless specifically instructed otherwise, you are honor bound NOT to use any outside help in completing your assignments. Outside help includes other faculty, staff, current students, former students, family or friends. When in doubt, remember that the default rule is always no collaboration.

Collaboration on Research Assignments: The work you turn in must be yours alone. Do not collaborate with fellow students in finishing your writing or research assignments. You can speak with your writing fellow. You are strongly encouraged to speak to a research librarian about any research related issue.

Grading: I must grade the assignments on a generally inflexible curve. Although I am happy to discuss my comments on the Assignments, both at conferences and during office hours, I cannot and will not change a grade once I have assigned it.

Accommodations for Students with Disabilities

Qualified students with documented disabilities who may need classroom accommodations should make an appointment with the Enhancement Program – Disability Services office during 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/>.

Schedule of Classes

The syllabus is subject to change. Please regularly check your St. Thomas email and class Blackboard site for updates. In addition to the scheduled activities, we will spend part of each week doing exercises to help build on idioms, writing style and vocabulary of legal English with a special emphasis on topics of interest to the class as a whole.

Orientation Week

Date	Class Topic/In-Class Exercise	Complete before class	Assignments or class exercises
Aug. 18	Introduction to course/syllabus Comparing Legal Systems Reading and Briefing Cases	Nedzel, pp. 1-9; 27-50 Read: <u>Kiley v. Patterson</u> , 763 A.2d 583 (R.I. 2000).	Class Discussion: How is your legal system structured? What are its strengths? What are its weaknesses? For tomorrow brief: [case TBD]
Aug. 19	Reading and Briefing Cases (continued)	Nedzel, pp. 9-25 Lee, pp. 3-11; 33-46 (optional)	Mock Classroom Discussion

	How US Lawyers Talk About Cases		For tomorrow brief [case TBD]
Aug. 20	The Structure of the US Legal System	Nedzel, pp. 54-75	For tomorrow brief [case TBD]
Aug. 21	Legal Citations and Plagiarism	Lee, pp. 29-31	Class Discussion: What is the purpose of legal citation? How are cases cited in your home country?
Aug. 22	Common Law Legal Analysis	Nedzel, pp. 81-97; Lee, pp. 11-24	In Class Writing Exercise

Fall Semester

Date	Class Topic/In-Class Exercise	Complete before class	Assignments or class exercises
Aug. 27	Legally Relevant Facts; Factors vs. Elements;	Class Handout	In Class Legal Analysis Exercise
Aug. 29	Legal Synthesis How US Lawyers Talk about Torts	Class Handout; Lee, pp. 47-52; 110-32.	In Class Legal Synthesis Exercise
Sept. 3	The Interoffice Memo – Question Presented and Short Answer	Nedzel, pp. 97-119	Common Law Memo Assignment handed out; due Sept. 12
Sept. 5	The Interoffice Memo – Writing the Facts and Discussion	Nedzel, pp. 217-45	
Sept. 10	Workshop on the Common Law Memo Assignment	Review Sample Memo	Bring in a Rough Draft of Your Memo

Sept. 12	Common Law Civil Procedure	Nedzel, pp. 121-33; Lee, pp. 81-110	Common Law Memo due For Sept. 17 th brief: [case TBD]
Sept. 17	Statutory Interpretation How US Lawyers Talk About Statutes	Nedzel, pp. 201-209; Class Handout on Legislative Drafting	Conferences on the Common Law Memo begin; your revised memo is due on Sept. 26th For Sept 19 th brief: [case TBD]
Sept. 19	Questions of Law How to Prepare for Law School Exams	Handout on Questions of Law	Conferences Continue
Sept. 24	Client Counseling and Letter Writing	Handout on Letter Writing	Client Advice Letter Handed Out; Due Oct. 3rd.
Sept. 26	How US Lawyers Talk About Criminal Law and Procedure	Lee, pp. 53-81	Rewrite of the Common Law Memo Due
Oct. 1	Workshop on the Client Advice Letter		
Oct. 3	How US Lawyers Talk About Contracts	Lee, pp. 148-71	Client Advice Letter Assignment Due
Oct. 8	Study Session for the Midterm		Conferences on the Client Advice Letter Begin
Oct. 10	Midterm		Persuasive Brief handed out; due Nov. 26

Fall Break

October 13-17th

Oct. 22	<p>Legal Research – Basic legal research concepts and formulation of research queries</p> <p>Valerie Aggerbeck</p>	<p>--Watch video</p> <p>-- Nedzel, Ch. 5, pp. 141-64; 167-69</p> <p>--basic legal research concept and formulation of research queries</p>	
Oct. 24	<p>Legal Research – Statutory Research</p> <p>Don Zhou</p>	<p>---Watch video</p> <p>--- Nedzel, Ch. 5 (finish the chapter)</p>	<p>Research Exercise 1 handed out; due Oct. 31</p>
Oct. 29	<p>Persuasive Legal Writing</p>	<p>Nedzel, pp. 301-32; sample trial briefs</p>	<p>Conferences on the Client Advice Letter Begin</p>
Oct 31	<p>Legal Research</p> <p>Secondary Sources: Encyclopedias, Treatises, ALRs, and Legal Periodicals</p> <p>Valerie Aggerbeck and Nick Farris</p>	<p>---Watch video</p> <p>--- Nedzel Ch. 6</p>	<p>Research Exercise 1 due</p> <p>Research Exercises 2 and 3 handed out; due Nov. 7</p>
Nov. 5	<p>Persuasive Legal Writing (continued)</p>	<p>Read Sample Trial Brief</p>	

Nov. 7	Legal Research Secondary Sources (ct'd): Restatements Case Law and Citators Megan McNevin	---Watch video --- Nedzel Ch. 6	Research Exercises 2 and 3 due Research Assignment 4 handed out; due Nov. 12 Research Memorandum handed out; due Nov. 14
Nov. 12	Persuasive Writing (continued)		
Nov. 14	Small groups with Librarians	Research Memo peer review	Research Memorandum due: bring 2 hard copies to class
Nov 19	Small groups with Librarians (continued)	Research Memo rewrite	
Nov. 21	Last Minute Legal Writing Tips		Final Research Memorandum due
Nov. 26	Writing Tips for Exams	Class Party! Plans for the Spring Semester	Persuasive Brief Due