

Lawyering Skills I: Objective Analysis, Writing, and Research
Professor David E. Sorkin
Fall 2002

SYLLABUS

Overview

This course provides an introduction to objective legal analysis. You will learn precedential, rule-based, policy-based, and factual reasoning, and will learn to perform basic legal research using case law, statutes, administrative regulations, court rules, and secondary materials.

You will learn and apply the skills of legal analysis, research, and writing by preparing a series of objective legal memoranda and other exercises. The first legal memorandum is a “closed” assignment, to be completed using a packet of research material that will be provided to you. You will also prepare a rewritten version of that memorandum after receiving feedback on the first version. For the remaining memorandum assignments, you will complete the necessary research on your own in the law library. You will also be required to complete several supplemental exercises, focusing primarily on legal research and citation.

Class will meet on Monday and Thursday mornings from 9:00 to 10:25. The web site for this course is located at www.lawyeringskills.com.

Instructor

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Textbooks

Required texts: There are four required textbooks for the course:

- Helene S. Shapo et al., *Writing and Analysis in the Law* (4th ed., Foundation Press 1999)
- Christina L. Kunz et al., *The Process of Legal Research* (5th ed., Aspen L. & Bus. 2000)
- Association of Legal Writing Directors & Darby Dickerson, *ALWD Citation Manual* (Aspen L. & Bus. 2000)
- Tracy L. McGaugh et al., *Interactive Citation Workbook for ALWD Citation Manual* (2002 ed., LexisNexis 2002)

Recommended texts: Students may also wish to obtain one or more of these supplemental texts: Bryan A. Garner, *The Redbook: A Manual on Legal Style* (West Group 2002);

Richard C. Wydick, *Plain English for Lawyers* (Carolina Academic Press, 4th ed. 1998); *Black's Law Dictionary* or a comparable legal dictionary; a general dictionary, such as *Merriam-Webster's Collegiate Dictionary*; a general guide to grammar and usage, such as *Barron's Pocket Guide to Correct Grammar*; and possibly a legal usage dictionary (either *A Dictionary of Modern Legal Usage* or *Dictionary of American Legal Usage*).

The required texts and some of the recommended texts are available in the law school bookstore.

Course Policies

Attendance: Attendance at and preparation for each class meeting is required and expected. You must be present when attendance is taken (often at the beginning of class) to receive credit for attending a particular class. You will not receive credit for the course if you are absent from more than 25% of the scheduled class meetings. Students will be held responsible for all material covered or handed out in class and all announcements made during class, whether or not an absence is excused.

Grading: The course grade will be determined based upon four written memorandum assignments, although students also must complete several supplemental exercises in order to pass the course. At the end of the semester I will weigh the memorandum assignments at 10%, 20%, 30%, and 40%, respectively, and will apply the law school's grading curve in order to assign a grade to each student for the course. Under the curve, the median course grade is a B, and about two thirds of the class will fall within the B- to A- range. While I try to give students a general idea of how well they performed on each assignment in both relative and absolute terms, I do not provide specific information about rankings and ranges in order to protect students' privacy and avoid fostering competition.

Late policy: The four graded memorandum assignments must be submitted promptly at the beginning of class on the due date. Any request for an extension of time must be supported by valid reasons and should be submitted as early as possible. **Late papers will be penalized by a deduction of one full letter grade for each 24 hours or portion thereof that a paper is late.** Late penalties will be waived or reduced only for good cause submitted in writing or via e-mail, with appropriate documentation. Computer and copier problems will not be accepted as an excuse for late papers. Graded papers will normally be handed back two weeks after the due date, and papers therefore will not be accepted after that time. In other words, **if you do not submit a graded assignment within two weeks after the due date, you will not be able to pass the course.** The ungraded supplemental exercises may be submitted at any time up to the last class meeting without penalty, but it is strongly recommended that you submit them according to schedule.

Plagiarism: When you submit an assignment in this course, you are representing that it is your own work. Plagiarism and other forms of academic dishonesty will not be tolerated in this class. More detailed information about plagiarism will be distributed in class.

Online research: The research component of this course focuses on conventional methods of legal research, and students therefore may not conduct research using Lexis, Westlaw, or other specialized online databases for the research and writing assignments in this course.

Tutorial conferences: I normally will be available to assist students on a walk-in basis during my office hours. At certain times during the semester, however, I will ask you to make an appointment for an individual tutorial conference. These conferences are intended to provide you with individual feedback on your writing assignments to supplement my written comments, to give you an opportunity to receive help with specific writing and analytical problems, and to help you learn what you can do to improve your performance on future assignments.

Semester Schedule

Week 1 (August 19–22): Read chapters 1 and 2 in *Writing and Analysis in the Law*. The first memorandum assignment will be distributed (due September 9).

Week 2 (August 26–29): Read chapters 4, 5, 6, and 7 and appendices C and D in *Writing and Analysis in the Law*. Prepare a case brief of the first case in the memorandum assignment packet and an outline of the issues in the assignment to discuss in class.

Week 3 (September 5): Read chapters 8 through 11 and appendix A in *Writing and Analysis in the Law*.

Week 4 (September 9–12): First memorandum assignment due September 9. Read chapters 1 through 9 in *The Process of Legal Research*.

Week 5 (September 16–19): Read part 1 (pages 1-12) in the *ALWD Citation Manual*, and chapters 1 through 3 in *Interactive Citation Workbook*. The exercises in these chapters are likely to help you understand this material; you are encouraged to complete them either in the textbook or online, but you need not turn them in.

Week 6 (September 23–26): Read chapters 4 and 5 in *Interactive Citation Workbook*. Exercise 5 is recommended but need not be turned in.

Week 7 (September 30–October 3): The second memorandum assignment will be distributed (due October 28). Submit Research Exercise 1 (to be distributed in class).

Week 8 (October 7–10): Rewrite of first memorandum assignment due October 7. Read chapters 10 and 11 in *The Process of Legal Research*.

Week 9 (October 14–17): Read chapter 3 in *Writing and Analysis in the Law*, chapter 12 in *The Process of Legal Research*, and chapters 6 through 8 in *Interactive Citation Workbook*. Exercises 6 through 8 are recommended but need not be turned in.

Week 10 (October 21–24): Read chapter 12 in *Writing and Analysis in the Law*, and chapter 19 in *The Process of Legal Research*, and chapter 9 in *Interactive Citation Workbook*. Complete Exercise 9 online at <http://icw.lexisnexis.com/>, and submit your completion certificate (preferably by October 31). Submit Research Exercise 2 (to be distributed in class).

Week 11 (October 28–31): Second memorandum assignment due October 28. The third memorandum assignment will be distributed (due November 25). Read chapters 12 through 14 in *Interactive Citation Workbook*. Exercises 12 through 14 are recommended but need not be turned in.

Week 12 (November 4–7): Read chapter 13 in *The Process of Legal Research*, and chapter 15 in *Interactive Citation Workbook*. Exercise 15 is recommended but need not be turned in.

Week 13 (November 11–14): Read chapters 14 through 18 in *The Process of Legal Research*, and chapter 17 in *Interactive Citation Workbook*. Complete Exercise 17 online at <http://icw.lexisnexis.com/>, and submit your completion certificate (preferably by November 18).

Week 14 (November 18–21): Submit Statutory Construction Exercise (to be distributed in class).

Week 15 (November 25): Third memorandum assignment due November 25.