

Lawyering Skills I: Objective Analysis, Writing, and Research
Professor David E. Sorkin
Fall 2003

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. 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 Tuesday mornings from 8:40 to 10:05 and Friday afternoons from 2:00 to 3:25. The web site for this course is located at www.lawyeringskills.com.

Instructor

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 Office hours: Wednesdays 3:30–5:30, and by appointment

Textbooks

Required texts: There are five required textbooks for the course. Be sure to obtain the correct editions.

- Helene S. Shapo et al., *Writing and Analysis in the Law* (rev. 4th ed., Foundation Press 2003) (ISBN 1-58778-541-2)
- Christina L. Kunz et al., *The Process of Legal Research* (5th ed., Aspen L. & Bus. 2000) (ISBN 0-7355-1223-X)
- Mark E. Wojcik, *Illinois Legal Research* (Carolina Academic Press 2003) (ISBN 0-89089-339-X)
- Association of Legal Writing Directors & Darby Dickerson, *ALWD Citation Manual* (2d ed., Aspen L. & Bus. 2003) (ISBN 0-7355-3640-6)
- Tracy L. McGaugh et al., *Interactive Citation Workbook for ALWD Citation Manual* (2003 ed., LexisNexis 2003) (ISBN 0-8205-5742-0)

Recommended texts: Students may also find some of these supplemental texts useful: Bryan A. Garner, *The Redbook: A Manual on Legal Style* (West Group 2002); Richard C. Wydick, *Plain English for Lawyers* (4th ed., Carolina Academic Press 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*).

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 three 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 calculate course grades by applying a curve to the sum of the memorandum grades, weighed at 25%, 35%, and 40%, respectively. 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 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.** Ungraded assignments 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.

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 26 & 29):

- Read chapters 1 and 2 (pp. 3-64) in *Writing and Analysis in the Law*.
- Memorandum Assignment 1 will be distributed on August 26. (A draft is due on September 16, and the final version is due on October 10.)

Week 2 (September 2 & 5):

- Read chapters 4, 5, 6, and 7 and appendices C and D (pp. 89-161, 515-527) in *Writing and Analysis in the Law*.
- Using Memorandum Assignment 1, prepare a case brief of the first case and an outline of the issues in the assignment. Be prepared to discuss these items in class on September 2; they need not be turned in.

Week 3 (September 9 & 12):

- Read chapters 8 through 11 and appendix A (pp. 163-252, 457-470) in *Writing and Analysis in the Law*.

Week 4 (September 16 & 19):

- A draft of Memorandum Assignment 1 is due at the beginning of class on September 16.
- Read chapters 1 and 7 (pp. 3-16, 125-148) in *Illinois Legal Research*.
- Read chapters 1 through 9 (pp. 3-48) in *The Process of Legal Research*.
- Research Exercise 1 will be distributed on September 16.

Week 5 (September 23 & 26):

- Read chapter 11 (pp. 177-194) in *Illinois Legal Research*.
- Read appendix B-2 (pp. 493-511) in *Writing and Analysis in the Law*.
- Read part 1 (pp. 1-10) in the *ALWD Citation Manual*.
- Read chapters 1 through 3 (pp. 1-20) in *Interactive Citation Workbook*. The citation 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.
- The draft memorandum assignment will be returned with comments on September 26; students should make an appointment for a tutorial conference next week to discuss the assignment.

Week 6 (September 30 & October 3):

- Read chapters 4 and 5 (pp. 21-37) in *Interactive Citation Workbook*, consulting the *ALWD Citation Manual* as necessary. Exercise 5 is recommended but need not be turned in.
- Class will not meet on October 3.

Week 7 (October 7 & 10):

- Research Exercise 1 and Memorandum Assignment 1 are due at the beginning of class on October 10.
- Memorandum Assignment 2 and Research Exercise 2 will be distributed on October 10.

Week 8 (October 14 & 17):

- Read chapters 10 and 11 (pp. 124-162) in *The Process of Legal Research*.
- Read chapters 3 and 6 (parts I and II-A only) (pp. 65-76, 111-118) in *Illinois Legal Research*.
- Class will not meet on October 17.

Week 9 (October 21 & 24):

- Read chapter 3 (pp. 65-88) in *Writing and Analysis in the Law*.
- Read chapter 12 (pp. 165-205) in *The Process of Legal Research*.
- Read chapter 4 (pp. 77-94) in *Illinois Legal Research*.
- Read chapters 6 through 8 (pp. 39-55) in *Interactive Citation Workbook*. Citation Exercises 6 through 8 are recommended but need not be turned in.

Week 10 (October 28 & 31):

- Read chapter 12 (pp. 253-273) in *Writing and Analysis in the Law*.
- Read chapter 19 (pp. 367-377) in *The Process of Legal Research*.
- Read chapter 9 (pp. 57-62) in *Interactive Citation Workbook*. Complete Citation Exercise 9 online at <http://icw.lexisnexis.com/>.

Week 11 (November 4 & 7):

- Research Exercise 2, Citation Exercise 9, and Memorandum Assignment 2 are due at the beginning of class on November 4.
- Memorandum Assignment 3 and the Statutory Construction Exercise will be distributed on November 4.
- Read chapters 12 through 14 (pp. 85-111) in *Interactive Citation Workbook*. Exercises 12 through 14 are recommended but need not be turned in.

Week 12 (November 11 & 14):

- Read chapter 13 (pp. 206-256) in *The Process of Legal Research*.
- Read chapter 15 (pp. 113-122) in *Interactive Citation Workbook*. Exercise 15 is recommended but need not be turned in.

Week 13 (November 18 & 21):

- Read chapters 14 through 18 (pp. 259-364) in *The Process of Legal Research*.
- Read chapters 5, 8, and 10 (pp. 95-109, 149-158, 169-175) in *Illinois Legal Research*.
- Read chapter 17 (pp. 131-135) in *Interactive Citation Workbook*. Complete Citation Exercise 17 online at <http://icw.lexisnexis.com/>.

Week 14 (November 25):

- The Statutory Construction Exercise and Citation Exercise 17 are due on November 25.

Week 15 (December 2 & 5):

- Memorandum Assignment 3 is due at the beginning of class on December 2.
- Class will not meet on December 5.