

LAWYERING SKILLS II

SYLLABUS

SPRING 2003

REQUIRED READING: The required texts for Lawyering Skills II are:

1. Michael Smith, Advanced Legal Writing: Theories and Strategies in Persuasive Writing (Aspen L & Bus 2002) (“Smith”).
2. Fontham, Michael, et al., Persuasive Written and Oral Advocacy In Trial and Appellate Courts (Aspen L & Bus 2002) (“Fontham”).
3. Fontham, Michael, et al., Persuasive Written and Oral Advocacy Case File I (Aspen L & Bus 2002).
4. The Association of Legal Writing Directors and Darby Dickerson, A Professional System of Citation (Aspen L. & Bus. 2000) (“ALWD”).

LIBRARY LAB: The Library Lab component of Lawyering Skills II is designed to give students training in computer-assisted legal research. In the lab students will learn how to use LEXIS and WESTLAW, two computerized legal database services. Students will also learn to access legal materials via the Internet. The lab is a required part of the Lawyering Skills II course. **All labs are held in Room 1100.**

In addition to your Lawyering Skills professor, the following people can also help you with questions about using LEXIS and WESTLAW:

- JMLS reference librarians ext. 729; M-F 9 a.m.-7p.m.; S-S 9 a.m.-4 p.m.
- student LEXIS and WESTLAW representatives
- LEXIS Customer Service (1-800-543-6862), , or use “live help” on website
- WESTLAW Customer Service(1-800-937-8529),or use “live help” on website
- West Reference Attorneys (1-800-688-6363)

Students will receive printed materials and a permanent personal account number that will enable them to access LEXIS and WESTLAW throughout the school year. This number will enable students to access the database from a home computer, as well, so long as the student has Internet access.

GRADED ASSIGNMENTS

Each student is required to write one motion memorandum and two appellate briefs. After completing each appellate brief, each student must present an oral argument based on the brief. Thus, each student will complete two oral arguments during the semester.

The weights of assignments are as follows:

MOTION MEMORANDUM	20 %
APPELLATE BRIEF 1	30%
Oral Argument on first APPELLATE BRIEF	Pass/Fail
IN-CLASS PERFORMANCE TEST	5%
APPELLATE BRIEF 2	35%
Oral Argument on second APPELLATE BRIEF	10%

UNGRADED ASSIGNMENTS:

1. The first oral argument is ungraded, but **MUST** be completed in order to get credit for the course.
2. Research Exercises: Students must complete all assigned research exercises. Students may also be required to complete citation exercises.
3. Because thorough preparation is essential to the course, students must always be well prepared for each class.

FAILURE TO COMPLETE ASSIGNMENTS:

1. Failure to complete any of the ungraded assignments to the professor's satisfaction will result in failing the course. Moreover, at the professor's discretion, turning in an ungraded assignment late may result in a lowered grade.
2. Class participation, if frequent and thoughtful, may raise a student's grade; if a student is regularly unprepared for class, the professor may lower the student's grade.
3. If a student fails to complete a graded assignment, the student cannot pass the course.

LATE PAPERS: If a professor accepts a paper after the time it is due, the professor must assess an appropriate penalty by lowering the grade of that paper. The degree of the penalty is within the discretion of the professor. Late papers will not be accepted after graded papers on that assignment have been returned to the students. If this happens, you will have to re-take LS II.

FORMAT OF PAPERS: All papers must be typed, double-spaced, stapled, page numbered and printed on eight and one half by eleven-inch paper. Professors may impose other formal requirements, such as colored cover pages. Professors will assess penalties for formal errors, as well as for errors in substance and logic.

WEEK-BY-WEEK LISTING OF TOPICS AND ASSIGNMENTS:

Week 1 (January 13, 2003) and Week 2 (January 20, 2003):

CLASSES MEETING TWICE A WEEK: You will have three class sessions over these two weeks, and one lab session. Please refer to the attached schedule to see which class meeting will be a lab.

CLASSES MEETING ONCE A WEEK: You will meet each time for three hours as scheduled (two class sessions listed below will be combined for each class). During one of the classes, half of one class (1.5 hours) will be a lab. Please refer to the attached schedule to see which class meeting will include a lab.

Class Session 1

ASSIGNMENT:

Read Fontham, Chapter 3, § 3.1-3.2.

TOPICS:

Introduction to Persuasion; Trial process.

Professors will hand out a sample brief in acceptable format.

Class Session 2

ASSIGNMENT:

Read: Smith, Chapter 12; Fontham Chapter 3, §§ 3.5, 3.6, and 3.10-end.

TOPICS:

Persuasive Rule Statements, Persuasive Issue Statements

Class Session 3

ASSIGNMENT:

Read Smith, Ch. 1 and 6. Smith Appendix B.

If not completed in Week 1, using the fact pattern on p. 303 of the Smith text, draft at least one issue statement using the six tests discussed in Fontham § 3.6; Complete: Smith Exercise 12.2

Prepare a short written description of a television or print advertisement and explain how it satisfies the three elements of classical rhetoric. You may use Smith exercise 6.2 or choose one of your own. Be prepared to make a presentation to the class.

Professors will hand out first trial brief problem if still unavailable in the bookstore.

TOPICS:

Rhetorical Devices in Persuasion

Lab Module #1

ASSIGNMENT:

None to complete before the lab. After the lab, there will be exercises assigned.

TOPICS:

Sign-on; registration; organization of databases; basic boolean searching in case-law and statutes

Week 3 (January 27) and Week 4 (February 3)

CLASSES MEETING TWICE A WEEK: You will have three class sessions over these two weeks, and one lab session. Please refer to the attached schedule to see which class meeting will be a lab.

CLASSES MEETING ONCE A WEEK: You will meet each time for three hours as scheduled (two class sessions listed below will be combined for each class). During one of the classes, half of one class (1.5 hours) will be a lab. Please refer to the attached schedule to see which class meeting will include a lab.

Class Session 1

ASSIGNMENT: Read Fontham, Chapters 1 and 5; Review Fontham, Appendix II.

TOPICS: Organization of Persuasive Arguments,
Finding and Applying the Law,
Discuss organization techniques used in sample trial brief and appellate brief found in Appendix II of Fontham text.

Class Session 2

ASSIGNMENT: Fontham, Chapter 2 ; Chapter 3 § 3.3-3.4; Ch. 4
Editing Exercises

TOPICS: Writing for Clarity and Finding the Theme, Editing your work

Class Session 3

ASSIGNMENT: Read selections from Illinois Rules of Procedure:
Illinois Supreme Court Rules: 131, 137 and 753
and read 735 ILCS 5/2-615.*

**These materials are available in the library and on-line.*

TOPICS: Read Fontham, Chapter 3, §§ 3.11 – 3.22
Trial Briefs and Motion Practice, Citing the Record, Brief Format,
Discuss sample brief and formal requirements for Illinois trial
briefs

Lab Module #2

ASSIGNMENT: Lab exercises assigned in previous lab should be submitted before this lab.

TOPICS: Continue Boolean searching; updating authority; regulations;
secondary sources

Week 5 (February 10) and Week 6 (February 17)

CLASSES MEETING TWICE A WEEK: You will have three class sessions over these two weeks, and one lab session. Please refer to the attached schedule to see which class meeting will be a lab.

CLASSES MEETING ONCE A WEEK: You will meet each time for three hours as scheduled (two class sessions listed below will be combined for each class). During one of the classes, half of one class (1.5 hours) will be a lab. Please refer to the attached schedule to see which class meeting will include a lab.

Class Session 1

ASSIGNMENT: Fontham, Chapter 3 § 3.7-3.10
Read Randy Lee, Writing the Statement of the Case: The “Bear” Necessities, 10 Whittier L. Rev. 619 (1989). Provided as a handout.

TOPICS: Persuasive Fact Statements

Class Session 2

ASSIGNMENT: Read Fontham Chapters 9 and 11
Read Illinois Supreme Court Rules: 341-345

TOPICS: Introduction to Appellate Briefs
Preservation and Selection of Issues for Appeal

*****Trial Brief due day after second class of Week 5*****

Students: write in due date here: _____
Begin working on first appellate brief

Class Session 3

ASSIGNMENT: Read: Fontham, Ch. 10;
Review Illinois Supreme Court Rule 341 on Standards of Review
Read: Thompson v. Keohane, 516 U.S. 99 (1995)
Ornelas v. United States, 517 U.S. 690 (1996)
Zervos v. Verizon New York, Inc., 252 F.3d 163 (2d Cir. 2001). (cases available on-line)

TOPICS: Standards of Review

Lab Module #3

ASSIGNMENT: Lab exercises assigned in previous lab should be submitted before this lab.

TOPICS: Advanced Boolean searching; secondary sources unique to each service; news services and non-legal sources

Return first brief after second class of Week 6

Week 7 (February 24) and Week 8 (March 2)

CLASSES MEETING TWICE A WEEK: You will have three class sessions over these two weeks, and one lab session. Please refer to the attached schedule to see which class meeting will be a lab.

CLASSES MEETING ONCE A WEEK: You will meet each time for three hours as scheduled (two class sessions listed below will be combined for each class). During one of the classes, half of one class (1.5 hours) will be a lab. Please refer to the attached schedule to see which class meeting will include a lab.

Class Session 1

ASSIGNMENT: Read article by Julie Spanbauer, Teaching First Semester Students that Objective Analysis Persuades, 5 J. Leg. Writing Inst. 167 (1999). (handout – professor will distribute)
Read Baby Richard case (handout: professor will distribute)

TOPICS: Statement of the Case—Discuss Spanbauer article and apply principles to Baby Richard case.

Class Session 2 Tutorials to discuss first brief.

Class Session 3 Performance Test; **Hand out Second Appellate Brief Problem**

Lab Module #4

ASSIGNMENT: Lab exercises assigned in previous lab should be submitted before this lab.

TOPICS: Natural language searching and other alternatives; topic services; legislative history; administrative regulations

***** First Appellate Brief due day after second class of week 8*****

Students: write in due date here: _____

Friday classes: First Appellate Brief due Saturday, March 8 by noon.

Saturday class: First Appellate Brief due Saturday, March 8 by 3 p.m.

The Registrar's Office closes promptly at 3 p.m. on Saturday

Week 9: SPRING BREAK: MARCH 9-16

Week 10 (March 17) and Week 11 (March 24)

Class Session 1

ASSIGNMENT: Read Fontham, Chapters 7, 8, 11 and 18

TOPICS: Preparation for oral Argument
Watch appellate argument tape, discuss

Class Session 2

Oral Arguments

Class Session 3

ASSIGNMENT: Read James Boyle, The Anatomy of a Torts Class, 34 Am U. L. Rev. 1003 (1985). (handout—professor will distribute)

TOPICS: Policy Arguments
Discuss possible policy arguments to be used for second appellate brief.

Return first appellate brief

Class Session 4

ASSIGNMENT: Smith, Ch. 7 – Ethos, Character & Good Will

Prepare Smith exercises 7.1 and 7.2 to discuss in class and hand in.

TOPICS: Be prepared to discuss ethos issues in second appellate brief.

Performance Test returned

No Labs this block of class sessions

Week 12 (March 31) and Week 13 (April 7)

CLASSES MEETING TWICE A WEEK: You will have three class sessions over these two weeks, and one lab session. Please refer to the attached schedule to see which class meeting will be a lab.

CLASSES MEETING ONCE A WEEK: You will meet each time for three hours as scheduled (two class sessions listed below will be combined for each class). During one of the classes, half of one class (1.5 hours) will be a lab. Please refer to the attached schedule to see which class meeting will include a lab.

Class Session 1

Tutorials to discuss first appellate brief

Class Session 2

ASSIGNMENT: Read Smith, Chapter 8; Hand in exercises 8.2 and 8.5.

TOPIC: Evincing Intelligence in Legal Writing
Discuss Smith exercises 8.2, 8.3, 8.4 and 8.5.

Class Session 3

ASSIGNMENT: Smith, Chapter 11

TOPICS: Persuasive Writing of Rules

Lab Module #5

ASSIGNMENT: Lab exercises assigned in previous lab should be submitted before this lab.

TOPICS: Internet Research.

Week 14 (April 14) and Week 15 (April 21):

CLASSES MEETING TWICE A WEEK: You will have three class sessions over these two weeks, and one lab session. Please refer to the attached schedule to see which class meeting will be a lab.

CLASSES MEETING ONCE A WEEK: You will meet each time for three hours as scheduled (two class sessions listed below will be combined for each class). During one of the classes, half of one class (1.5 hours) will be a lab. Please refer to the attached schedule to see which class meeting will include a lab.

Class Session 1

ASSIGNMENT: Read Smith, Chapters 9, 10
TOPICS: Persuasive Writing Techniques
In-class exercises based on Smith chapters and appellate brief

Class Session 2

ASSIGNMENT: Read Smith, Chapter 13
TOPICS: Professionalism in Advocacy
In-class exercises based on Smith chapters and appellate brief

Class Session 3

ASSIGNMENT: Read: Fontham, Chapter 12; Review of format rules for appellate brief
TOPICS: Advocacy practice
Motion practice, petitions for certiorari

Second Appellate Brief due day after second class of Week 15 (week of April 21) by 3 p.m. in the Records Office.

Students write in due date here: _____

Two copies are required. Students may pick up opposing counsel's brief in the Records Office after 4 p.m. on the brief due date, or may exchange briefs with opposing counsel themselves after briefs have been turned in.

Lab Module #6

ASSIGNMENT: Lab exercises assigned in previous lab should be submitted before this lab.

TOPICS: Efficient and cost-effective searching on Lexis and Westlaw

Week 16 (April 28)

NO LABS THIS WEEK!

IN CLASS: Oral Arguments on Second Appellate Brief.

*******End of the semester*******

Final Appellate Briefs will be available for pick-up no later than May 30th.