

Lawyering Skills I: Objective Analysis, Writing, and Research
Professor David E. Sorkin (Section J)
Fall 2006

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 most Monday and Wednesdays at 3:30. The website for this course is located at www.lawyeringskills.com.

Instructor

David E. Sorkin, Associate Professor of Law
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 Office hours: Mondays 2:00-3:30 pm, and by appointment

Textbooks

Required texts: There are three 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, list \$57.00)
- Christina L. Kunz et al., *The Process of Legal Research* (6th ed., Aspen Pub. 2004) (ISBN 0-7355-3666-X, list \$57.00)
- Association of Legal Writing Directors & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* (3d ed., Aspen Pub. 2005) (ISBN 0-7355-5571-0, list \$26.95; additional information available at www.alwdmanual.com)

Recommended texts: Students may also find some of these supplemental texts useful: Mark E. Wojcik, *Illinois Legal Research*; Bryan A. Garner, *The Redbook: A Manual on*

Legal Style; Richard C. Wydick, *Plain English for Lawyers*; Bryan A. Garner, *A Dictionary of Modern Legal Usage*; and *Black's Law Dictionary*.

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 based upon the memorandum grades, weighed at 25%, 35%, and 40%, respectively. I try to give students a general idea of how well they performed on each assignment, but do not provide specific data about rankings and ranges in order to protect students' privacy and discourage competition.

Submission of assignments: Unless otherwise announced in class, the memorandum assignments and supplemental exercises may be submitted by either of the following means:

- (1) In hard copy, with a staple in the upper left corner. Hard-copy assignments may be submitted at my office or in class. Unstapled assignments will not be accepted.
- (2) In electronic form, attached to an e-mail message to 7sorkin@jmls.edu.

Assignments submitted electronically must be in either Microsoft Word or PDF format; shorter exercises may be included in the body of an e-mail message instead.

Late policy: The graded memorandum assignments (and the draft of the first memorandum assignment) 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.** Any penalty for late submission of the draft of the first memorandum assignment will be deducted from the grade for the final draft of that assignment. Late penalties will be waived or reduced only for good cause (not including computer or copier problems) submitted in writing or via e-mail, with appropriate documentation. Graded papers will normally be handed back two weeks after the due date, and papers therefore will not be accepted after that time. **If you do not submit a graded assignment within two weeks after the due date, you will not be able to pass the course.** You should try to submit the ungraded supplemental exercises on or before the dates listed on the syllabus, but they may be submitted without penalty as late as the last scheduled class meeting.

Plagiarism and collaboration: Plagiarism and other forms of academic dishonesty will not be tolerated in this course. Consult the Lawyering Skills Course Rules and Ethics Guidelines for detailed information about these issues. On research and citation exercises, you may discuss the exercises with other students and work together in completing them, but you may

not divide the problems among members of a group and then copy the answers. (Identical incorrect answers submitted by two or more students may serve as evidence of such copying.) On the memorandum assignments, you may discuss research strategies, legal concepts, problems, and potential arguments with other students in the class at any time, but you may not collaborate in the writing process. You may also seek assistance from the instructor, the law school library staff, and the Writing Resource Center. You are encouraged to discuss the memorandum assignments with other people and seek their feedback on your writing, but you may do so only **after** you have submitted an assignment.

Online research: The research component of this course focuses primarily on conventional methods of legal research. Students may use Lexis, Westlaw, and other specialized online databases for assignments in this course only to the extent authorized by the instructor.

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 21 & 23):

- Read chapters 1 and 2 (pp. 3-64) in *Writing and Analysis in the Law*.

Week 2 (August 28 & 30):

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

Week 3 (September 4 & 6):

- Class will not meet on September 4 (Labor Day).
- Read chapters 8 through 11 and appendix A (pp. 163-252, 457-470) in *Writing and Analysis in the Law*.

Week 4 (September 11 & 13):

- **A draft of Memorandum Assignment 1 is due at the beginning of class on September 11.**
- Class will not meet on September 13.
- Library tours will be held this week (sign up in class).

Week 5 (September 18 & 20):

- Read chapters 1 through 5 (pp. 3-90) in *The Process of 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*.
- The draft memorandum assignment will be returned with comments on September 20.

Week 6 (September 25 & 27):

- Class will not meet on September 25.
- Exercise 1 is due on September 27.
- Read chapters 6 through 8 (pp. 91-120) in *The Process of Legal Research*.
- Tutorial conferences on the first memorandum assignment will be held this week (sign up in class).

Week 7 (October 2 & 4):

- Class will not meet on October 2 (Yom Kippur).
- **Memorandum Assignment 1 is due at the beginning of class on October 4.**

Week 8 (October 9 & 11):

- Exercise 2 is due on October 11.
- Read chapter 9 (pp. 123-170) in *The Process of Legal Research*.

Week 9 (October 16 & 18):

- Exercise 3 is due on October 16.
- Read chapter 10 (pp. 171-185) in *The Process of Legal Research*.

Week 10 (October 23 & 25):

- Exercise 4 is due on October 23.
- Class will not meet on October 25.
- Read chapter 3 (pp. 65-88) in *Writing and Analysis in the Law*.
- Read chapter 11 (pp. 189-224) in *The Process of Legal Research*.

Week 11 (October 30 & November 1):

- **Memorandum Assignment 2 is due at the beginning of class on October 30.**
- Read chapter 12 (pp. 253-273) in *Writing and Analysis in the Law*.
- Read chapter 18 (pp. 367-377) in *The Process of Legal Research*.

Week 12 (November 6 & 8):

- Exercise 5 is due on November 6.
- Read chapter 12 (pp. 225-263) in *The Process of Legal Research*.

Week 13 (November 13 & 15):

- Exercise 6 is due on November 15.
- Read chapters 13 through 17 (pp. 266-363) in *The Process of Legal Research*.

Week 14 (November 20 & 22):

- Class will not meet on November 22.

Week 15 (November 27):

- **Memorandum Assignment 3 is due at the beginning of class on November 27.**
- The last class meeting will take place on November 27.