

Lawyering Skills I: Objective Analysis, Writing, and Research
Professor David E. Sorkin (Section A)
Spring 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 Wednesday mornings at 10:00. 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 2:00-4:00 pm, 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, list \$52.00)
- Christina L. Kunz et al., *The Process of Legal Research* (6th ed., Aspen L. & Bus. 2004) (ISBN 0-7355-3666-X, list \$55.00)
- Mark E. Wojcik, *Illinois Legal Research* (Carolina Academic Press 2003) (ISBN 0-89089-339-X, list \$22.50)
- Association of Legal Writing Directors & Darby Dickerson, *ALWD Citation Manual* (2d ed., Aspen L. & Bus. 2003) (ISBN 0-7355-3640-6, list \$24.95)
- Tracy L. McGaugh et al., *Interactive Citation Workbook for ALWD Citation Manual* (2005 ed., LexisNexis 2005) (ISBN 0-8205-6378-1, list \$28.00)

Recommended texts: Students may also find some of these supplemental texts useful: 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 arrive no later than the scheduled starting time in order to receive credit for attending a particular class meeting. 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, regardless of the reason for an absence.

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 any 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.
- (3) In electronic form, uploaded via John Marshall's Legalease system (the Coursework section).

Assignments submitted in electronic form must be in either Microsoft Word or PDF format; shorter exercises may be included in the body of an e-mail message instead. Exercises from the *Interactive Citation Workbook* may be submitted directly through the ICW website (<http://icw.lexisnexis.com/>) or by any of the means listed above.

Late policy: The graded memorandum assignments (and the draft of the first memorandum assignment) must be submitted promptly by 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.** Ungraded assignments (other than the draft of the first memorandum assignment) may be submitted at any time up to the last class meeting without penalty, but it is strongly recommended that you submit them on schedule.

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. You are bound by those rules and guidelines, although you need not complete and return the included affidavit. 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 (January 18):

- Read chapters 1 and 2 (pp. 3-64) in *Writing and Analysis in the Law*.
- Memorandum Assignment 1 will be posted on the course website by January 18. (A draft is due on February 6, and the final version is due on February 27.)

Week 2 (January 23 & 25):

- 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 (January 30 & February 1):

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

Week 4 (February 6 & 8):

- **A draft of Memorandum Assignment 1 is due on Monday, February 6.**
- Class will not meet on February 6 and 8; library tours will be scheduled to take place this week.
- Research Exercise 1 will be posted by February 6.

Week 5 (February 13 & 15):

- Read chapters 1, 7, and 11 (pp. 3-16, 125-148, 177-194) in *Illinois Legal Research*.
- 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*.
- Read chapters 1 through 3 (pp. 1-25) in *Interactive Citation Workbook*. The citation exercises in these chapters are designed to help you understand this material; they need not be turned in.
- The draft memorandum assignment will be returned with comments on February 15; students should sign up for a tutorial conference to discuss the assignment.

Week 6 (February 20 & 22):

- Research Exercise 1 is due on February 22.
- Read chapters 6 through 8 (pp. 91-120) in *The Process of Legal Research*.
- Read chapters 4 and 5 (pp. 27-43) 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 February 20.

Week 7 (February 27 & March 1):

- **Memorandum Assignment 1 is due on Monday, February 27.**
- Memorandum Assignment 2 and Research Exercise 2 will be posted by February 27.
- Class will meet in a computer classroom (probably room 1100) on March 1.

Week 8 (March 6 & 8):

- Read chapter 9 (pp. 123-170) in *The Process of Legal Research*.
- Read chapter 3 (pp. 37-76) in *Illinois Legal Research*.

SPRING BREAK

Week 9 (March 20 & 22):

- Read chapter 10 (pp. 171-185) in *The Process of Legal Research*.
- Read chapter 6 (pp. 111-124) in *Illinois Legal Research*.
- Class will meet in a computer classroom on March 22.

Week 10 (March 27 & 29):

- 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*.
- Read chapter 4 (pp. 77-94) in *Illinois Legal Research*.
- Read chapters 6 through 8 (pp. 45-61) in *Interactive Citation Workbook*. Citation Exercises 6 through 8 are recommended but need not be turned in.
- Class will not meet on March 29.

Week 11 (April 3 & 5):

- **Memorandum Assignment 2 is due at the beginning of class on April 3.**
- Memorandum Assignment 3 and the Statutory Construction Exercise will be posted by April 3.
- 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*.
- Read chapters 9 and 12 through 14 (pp. 63-69, 93-119) in *Interactive Citation Workbook*. Complete *ICW* Citation Exercise 9. Exercises 12 through 14 are recommended but need not be turned in.

Week 12 (April 10 & 12):

- Research Exercise 2 and *ICW* Citation Exercise 9 are due on April 10.
- Read chapter 12 (pp. 225-263) in *The Process of Legal Research*.
- Read chapter 15 (pp. 121-130) in *Interactive Citation Workbook*. Exercise 15 is recommended but need not be turned in.

Week 13 (April 17 & 19):

- Read chapters 13 through 17 (pp. 266-363) 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. 139-143) in *Interactive Citation Workbook*. Complete *ICW* Citation Exercise 17.

Week 14 (April 24 & 26):

- The Statutory Construction Exercise and *ICW* Citation Exercise 17 are due on April 24.
- **Memorandum Assignment 3 is due at the beginning of class on April 26.**