

Lawyering Skills I: Objective Analysis, Writing, and Research
Professor David E. Sorkin (Section B)
Spring 2007

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 Wednesdays and Fridays at 1:30. The website for this course is located at www.lawyeringskills.com.

Instructor

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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 will be considered to have attended a class meeting only if you are present both at the beginning of class and when the class is dismissed. 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 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.** 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. Generally speaking, Lexis and Westlaw may be used to retrieve individual documents by citation and for citation checking, but not to search for authorities containing specific words or phrases.

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 17 & 19):

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

Week 2 (January 24 & 26):

- 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 31 & February 2):

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

Week 4 (February 7 & 9):

- **A draft of Memorandum Assignment 1 is due at the beginning of class on February 7.**
- Library tours (sign up in class).

Week 5 (February 14 & 16):

- 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 February 16.

Week 6 (February 21 & 23):

- Exercise 1 is due on February 23.
- Read chapters 6 through 8 (pp. 91-120) in *The Process of Legal Research*.
- Tutorial conferences on the first memorandum assignment (sign up in class).

Week 7 (February 28 & March 2):

- **Memorandum Assignment 1 is due at the beginning of class on February 28.**

Week 8 (March 7 & 9):

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

SPRING BREAK

Week 9 (March 21 & 23):

- Exercise 3 is due on March 21.
- Read chapter 10 (pp. 171-185) in *The Process of Legal Research*.

Week 10 (March 28 & 30):

- Exercise 4 is due on March 28.
- 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 (April 4 & 6):

- **Memorandum Assignment 2 is due at the beginning of class on April 4.**
- 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 (April 11 & 13):

- Exercise 5 is due on April 11.
- Read chapter 12 (pp. 225-263) in *The Process of Legal Research*.

Week 13 (April 18 & 20):

- Exercise 6 is due on April 20.
- Read chapters 13 through 17 (pp. 266-363) in *The Process of Legal Research*.

Week 14 (April 25 & 27):

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