

Lawyering Skills I: Objective Analysis, Writing, and Research
The John Marshall Law School
Professor David E. Sorkin (Section D)
Spring 2010

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, and other 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-universe 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. You will also be required to complete several supplemental exercises, focusing primarily on legal research and citation.

Class will meet on Mondays at 6:00 pm. 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 4:00 to 6:00 pm, and by appointment

Textbooks

Required texts: There are three required textbooks for the course.

- Helene S. Shapo et al., *Writing and Analysis in the Law* (5th ed., Foundation Press 2008) (ISBN 978-1-59941-424-9, list \$76.00)
- Christina L. Kunz et al., *The Process of Legal Research* (7th ed., Aspen Pub. 2008) (ISBN 978-0-7355-6977-5, list \$79.00)
- Association of Legal Writing Directors & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* (3d ed., Aspen Pub. 2005) (ISBN 978-0-7355-5571-6, list \$32.95; 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

In addition to the policies set forth below, you will also need to consult the Lawyering Skills Course Rules and Ethics Guidelines (posted on the website).

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 miss more than the maximum number of class sessions as provided by law school policy. 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: Memorandum assignments should be sent by e-mail to 7sorkin@jmls.edu, with the memorandum attached as a Microsoft Word document. (If you normally use word processing software other than Microsoft Word, see me before the first due date to discuss document format options.) Supplemental exercises may be submitted either in hard copy or by e-mail.

Late policy: The graded memorandum assignments (and the draft of the first memorandum assignment) must be submitted promptly by 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, excluding Sundays.** 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 supplemental exercises by the dates listed on the syllabus, but they may be submitted without penalty as late as the last scheduled class meeting. For more information, see Late Work and Extension Requests (posted on the website).

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 each assignment.

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 25):

- Read chapters 1 and 2 in *Writing and Analysis in the Law*.

Week 2 (February 1):

- Read chapters 4 through 7 and appendices C and D 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 (February 8):

- Read chapters 8 through 10 and appendix A in *Writing and Analysis in the Law*.

Week 4 (February 15):

- **A draft of Memorandum Assignment 1 is due at 5:00 pm on February 15.**

Week 5 (February 22):

- Read chapters 1 through 5 in *The Process of Legal Research*.
- Read appendix B-2 in *Writing and Analysis in the Law*.
- Read part 1 (pp. 1-10) in the *ALWD Citation Manual*.

Week 6 (March 1):

- Exercise 1 is due on March 1.
- Read chapter 11 in *Writing and Analysis in the Law*.
- Read chapters 6 through 8 in *The Process of Legal Research*.
- The draft memorandum assignment will be returned with comments by March 1.
- Tutorial conferences on the first memorandum assignment (sign up in class).

Week 7 (March 8):

- **Memorandum Assignment 1 is due at 5:00 pm on March 8.**

Spring Break (March 14-20)

Week 8 (March 22):

- Exercise 2 is due on March 22.
- Read chapter 9 in *The Process of Legal Research*.

Week 9 (March 29):

- Exercise 3 is due on March 29.
- Read chapter 10 in *The Process of Legal Research*.

Week 10 (April 5):

- Exercise 4 is due on April 5.
- Read chapter 3 in *Writing and Analysis in the Law*.
- Read chapter 11 in *The Process of Legal Research*.

Week 11 (April 12):

- **Memorandum Assignment 2 is due at 5:00 pm on April 12.**
- Read chapter 12 in *Writing and Analysis in the Law*.

Week 12 (April 19):

- Exercise 5 is due on April 19.

Week 13 (April 26):

- Exercise 6 is due on April 26.

Week 14 (May 3):

- **Memorandum Assignment 3 is due at 5:00 pm on May 3.**