SYLLABUS
LAWYERING SKILLS II
Spring 2019

learning objectives:
At the end of the semester, each student will be able to:
• write a brief to a federal District Court
• write a brief to a federal Court of Appeals
• conduct a basic case settlement negotiation
• give an appellate oral argument
• find relevant case law, legislative history materials, administrative regulations, agency decisions and guidance materials, court rules, jury instructions, forms and other practitioner materials—making effective use of secondary sources and finding aids in addition to full text search

course description:
This semester, you will learn and practice additional fundamental lawyering skills. You will receive further instruction in LexisAdvance, Westlaw, Bloomberg Law, and Internet legal research. You will also learn how to research legislative history, administrative law materials, and lawyers’ practice aids, such as form books and litigation aids. You will have additional practice in the basic conventions of written legal analysis, primarily focusing on persuasive legal writing, while completing a trial brief and an appellate brief. In addition, you will be introduced to the skills of negotiation and appellate oral argument.

required texts:


• For Prof. Munson’s sections: The Bluebook: A Uniform System of Citation (20th ed. 2015), ISBN 9780692400197
Additional required materials and information for the assignments will be distributed through the Lawyering Skills II D2L site and in class.

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<tr>
<th>LS §</th>
<th>writing professor</th>
<th>research professor</th>
<th>teaching assistants</th>
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<td>1</td>
<td>Melissa Marlow</td>
<td>Alicia Jones</td>
<td>Anna Calvert</td>
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<td>11:00-12:15 (R251)</td>
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<td>Megan Fugate</td>
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**class schedule:**

Each Lawyering Skills section has two class meeting times scheduled for each week. Generally, the Tuesday meeting will cover writing topics, and the Thursday meeting will cover research topics. Many of the class meetings will include opportunities to work in smaller groups.

**attendance:**

Attendance is mandatory for all scheduled class meetings and other scheduled activities, and it is recorded by signing the attendance sheet. The absence of a signature on an attendance sheet is conclusive evidence of absence. Each student will be allowed up to two unexcused absences without penalty. Any student with more than two unexcused absences will face sanctions, which may include grade point penalties, course grade reduction, and withdrawal from the course. Any student who misses a class is responsible for obtaining from classmates all material covered during the class. No deadlines will be extended based on a student’s absence from a class. This policy applies to all regularly scheduled class sessions listed in this syllabus, as well as other required activities scheduled during the semester (e.g., required Lexis training sessions, required writing conferences, scheduled oral arguments, etc.).

**assignments:**
Along with shorter assignments, you will write a trial level memorandum of law (a brief addressed to the trial court) and an appellate brief. Your research skills will be assessed in separate research exercises and a research examination, as well as within the context of your writing assignments. Details regarding the research exam will be distributed separately. As you work on the various assignments, please do not hesitate to check with your Lawyering Skills professors or teaching assistants whenever questions or uncertainties arise.

For readings assigned in the textbooks to prepare for class, you do not need to prepare any exercises found in those textbooks. Written assignments are specified separately below, and additional short assignments may be announced on the course D2L site or in class. Additional materials supplementing the research textbook will be posted on the D2L site as well. Your Lawyering Skills professors will assume you have read the assigned reading before the class session for which it is assigned.

**grading:**

Based on a maximum raw score of 100 points for the entire course, the maximum number of points you may earn on each assignment toward your final course grade is:

- trial brief secondary source list: 2
- trial brief primary source list: 2
- writing conference #1: 3
- trial brief: 20
- appellate brief source list: 2
- writing conference #2: 3
- appellate brief: 30
- research exam: 30
- oral argument: 5
- professionalism: 3

When you submit a written assignment via D2L to be graded, please submit it one time only. Your professor will grade the first version you submit of a written assignment. At the end of the semester, your writing professor will add up your points to arrive at your course raw score. Then she will curve the raw scores for all of her students, following the required grade median and required grade distribution for all first-year courses at the School of Law, to arrive at your final course grade.

**professionalism:**

Lawyers are professionals, and part of what you will be learning in the Lawyering Skills course is how to handle yourself professionally in the context of your legal education and your newly acquired legal skills. Your professors will base the professionalism part of your grade on your timely completion of all LS pass-fail and graded assignments, drafts, and re-writes; your
attendance and active participation in class; your adherence to the course policies; and how you conduct yourself in person and by e-mail, with your classmates, the TA’s, and the professors. For example, surfing the Internet in class, e-mailing an LS professor during the time you are in another professor’s class, or coming to class late would all be unprofessional conduct. This is not an exhaustive list of unprofessional conduct. Before you act, please consider whether you would say or do what you want to say or do in front of a judge or in a meeting with a senior attorney in a law office.

**minimum requirements:**

You must complete every assessed assignment in the course to pass the course. “Every assessed assignment” includes the shorter writing assignments, the shorter research assignments and exercises, the graded trial brief, the graded appellate brief, the research exam, and the oral argument. Do not hesitate to ask your Lawyering Skills professors or the TA’s if you have questions or you find yourself confused as you work on the assignments.

Lawyering Skills II is a three credit hour course. The American Bar Association standards require you to spend at least 9 hours of your time each week on the course. The classroom component is scheduled for 2 ½ hours each week. Note that this amount of time is purposely less than the 3 hours each week that most three credit hour classes meet in the classroom. The course focuses on attaining various lawyering skills, so a good deal of the learning occurs as you work through the exercises and assignments outside the classroom and when you talk to your professors and TA’s. At first, you should expect to spend 6 ½ hours on your work outside of the classroom for this course each week. Toward the end of the semester, some classroom time will be canceled, to allow you to spend more time on your work outside the classroom.

**classroom electronics:**

The basic rule during class is simple: **no electronic grazing.** This rule applies to your use of laptops, smartphones, iPads and other tablets, and all other mobile or wireless devices. When permitted, such use is limited to class note taking and other tasks authorized by your professor, such as following along as your research professor walks the class through the steps of using an electronic source of law. Unauthorized use of electronics may result in a loss of the privilege of using them in class for the remainder of the semester. Unauthorized use during class includes texting, e-mailing, gaming, shopping, and accessing sites not related to the classroom topic. Please turn off cell phone ringers and texting functions before class begins.

**recording:**

Students may not record the class sessions without the professor’s permission. If you feel you need a recording of a class session due to exceptional circumstances, ask well in advance for permission.

**emergency procedures:**
SIUC is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, you should become familiar with the SIUC emergency response plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in campus buildings, at http://www.bert.siu.edu, at http://www.dps.siu.edu, and in the Emergency Response Guidelines pamphlet. You should know how to respond to each type of emergency. Instructors will guide and direct students in the classroom if an emergency affects your location. Follow their instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will assist your instructor if you need to evacuate or shelter in the building.

**accommodations & assistance:**

The SIU Disability Support Services office determines and provides academic support services for students with permanent and temporary disabilities. To receive accommodations, go to the DSS office, http://disabilityservices.siu.edu/. There you will have an interview, have your documentation reviewed, and complete a Disability Accommodation Agreement. Give that agreement to the School of Law Registrar, who arranges classroom and exam accommodations. If you do not have documentation, you should still start at DSS for assistance.

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. [http://disabilityservices.siu.edu/](http://disabilityservices.siu.edu/). Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

Saluki Cares is a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. You can reach Saluki Cares at 618-453-5714, siucares@siu.edu, or [http://salukicares.siu.edu/index.html](http://salukicares.siu.edu/index.html). Assistant Dean Judi Ray will also help you access university resources. You can contact her at judiray@siu.edu, 618-453-3135.

**Week 1**

**Tuesday, January 15**
class topic: introduction to Lawyering Skills II; introduction to pleadings & trial brief prepare for class: Shapo, pp. 349-370 handed out: trial brief assignment

**Thursday, January 17**
Class topic: legal research refresh–sources, process, and the purpose of citation
Prepare for class:
- Olson, Ch. 1, Sections 1-1 through 1-5, and 1-7;
- Legal research flowchart (for visual learners; created by Sarah Glassmeyer at CALI), http://lawlibguides.luc.edu/id.php?content_id=28056878
- PowerPoint Introduction to Research Process & Strategy (fall semester review), posted on D2L
- Introduction to Basic Legal Citation, https://www.law.cornell.edu/citation/, Sections 1-100, 1-200, 1-300, and 1-400

**Week 2**
**Tuesday, January 22**
class topic: introduction to persuasive legal writing; persuasive statement of facts; Q and A on trial brief research
prepare for class: read pleadings & highlight points in dispute and Shapo 376-383
hand in: trial brief secondary source list, in correct citation form
handed out: sample trial brief

**Thursday, January 24**
Class topic: Search basics and strategy–focusing on case law research
Prepare for class:
- Olson, Ch. 1, Section 1-6

**Week 3**
**Tuesday, January 29**
class topic: negotiation
prepare for class: TBD
hand in: trial brief primary source list , in correct citation form and outline of issues

**Thursday, January 31**
Class topic: Searching for legislation and evidence of legislative intent
Prepare for class:
- Olson, Ch. 4, 93-120 (review); Ch 5, 123-150 (new material)
Week 4
Tuesday, February 5
class topic: argument organization in trial brief; Q&A on trial brief writing

Research Exercise 1, legislative history research, available for download on D2L at 1 p.m.

Thursday, February 7 – Wednesday, February 13
required writing conferences, schedule TBD
bring to conference: full draft of trial brief, written list of questions

Thursday, February 7
Class topic: Searching for legislation and evidence of legislative intent- cont’d
Prepare for class: Readings assigned for week 3 not yet completed

Week 5
Tuesday, February 12
class topic: citations & quotations
prepare for class: Shapo, pp. 512-515

Hand in via D2L by 5:00 p.m.: Research Exercise 1, legislative history research

Thursday, February 14
Class topic: Searching for administrative regulations and documents created during the rule making process
Prepare for class: Olson, Ch. 6, 155-169; supplementary materials posted on D2L

Friday, February 15
hand in by 4:00 p.m. via D2L: trial brief

Week 6
Tuesday, February 19
class topic: introduction to appellate brief; front pages; record on appeal
handed out: appellate brief assignment

Research Exercise 2, regulatory agency research, available for download on D2L at 1 p.m.
Thursday, February 21
Class topic: Searching for administrative agency decisions and guidance material
Prepare for class: Olson, Ch. 6, 170-183; supplementary materials posted on D2L

Week 7
Tuesday, February 26 (*BOTH SECTIONS ATTEND BOTH CLASSES)
9:00 class topic: argument section of appellate brief; standard of review
hand in, at beginning of class: draft front pages of appellate brief; appellate brief source list

Hand in via D2L by 5:00 p.m.: Research Exercise 2, regulatory agency research

11:00 class topic: summary of the argument; point headings

Thursday, February 28
Class topic: Searching for court rules, jury instructions, and related explanatory material
Prepare for class:
- Olson, Ch. 7, 187-206

Week 8 (MIDTERM WEEK: All Lawyering Skills classes cancelled)

Spring break
Monday, March 11 – Friday, March 15

Week 9
Tuesday, March 19
class topic: Q&A on appellate briefs
prepare for class: finalize rough draft in preparation for required conferences

Research exercise 3, court rules, jury instructions, and practice aids research, available for download on D2L at 1:00 p.m.

Wednesday, March 20 – Monday, March 25
required writing conferences, schedule TBD
bring to conference: full draft of appellate brief, written list of questions
Thursday, March 21
Class topic: Searching for forms and other materials for handling the nuts and bolts of day to day legal practice
Prepare for class: To be assigned

Week 10
Tuesday, March 26
Class topic: effective oral argument
Prepare for class: Shapo, pp. 479-495

Hand in via D2L by 5:00 p.m.: research exercise 3, court rules, jury instructions, and practice aids research

Thursday, March 28
Class topic: oral argument nuts & bolts

Friday, March 29
Hand in by 4:00 p.m. via D2L: appellate brief

Week 11
Tuesday, April 2
Class topic: research review

Thursday, April 4, 8:30 a.m. – 12:00 p.m.
Research exam for all sections - Room TBD

Week 12
Monday, April 8 – Friday, April 12
oral argument practice rounds
schedule TBD

Week 13
Monday, April 15 – Wednesday, April 17
oral arguments
schedule TBD