SYLLABUS
LAWYERING SKILLS II
Spring 2014

required texts, all sections:

• Kent C. Olson, Principles of Legal Research (West 2009).
• Association of Legal Writing Directors & Darby Dickerson, ALWD Citation Manual (4th ed., Aspen 2010).

Additional required materials and information for the assignments will be distributed through the Lawyering Skills TWEN site and in class.

recommended texts (useful references, not required):


<table>
<thead>
<tr>
<th>LS §</th>
<th>time</th>
<th>writing professor</th>
<th>research professor</th>
<th>teaching assistants</th>
<th>room</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>9:00 T-Th</td>
<td>Sue Liemer</td>
<td>Alicia Jones</td>
<td>Tom Drysdale, Blair Keltner</td>
<td>202</td>
</tr>
<tr>
<td>2</td>
<td>9:00 T-Th</td>
<td>Melissa Marlow</td>
<td>Nolan Wright</td>
<td>Dean Davis, Aisha Biesinger</td>
<td>206</td>
</tr>
<tr>
<td>3</td>
<td>9:00 T-Th</td>
<td>Valerie Munson</td>
<td>Doug Lind</td>
<td>Kelli Anderson, Danielle DeFranco</td>
<td>251</td>
</tr>
<tr>
<td>4</td>
<td>11:00 T-Th</td>
<td>Sue Liemer</td>
<td>Alicia Jones</td>
<td>Tom Drysdale, Blair Keltner</td>
<td>202</td>
</tr>
<tr>
<td>5</td>
<td>11:00 T-Th</td>
<td>Melissa Marlow</td>
<td>Nolan Wright</td>
<td>Dean Davis, Aisha Biesinger</td>
<td>206</td>
</tr>
<tr>
<td>6</td>
<td>11:00 T-Th</td>
<td>Johanna Dennis</td>
<td>Nancy Strohmeyer</td>
<td>Kelli Anderson, Danielle DeFranco</td>
<td>251</td>
</tr>
</tbody>
</table>
Course description:

This semester, you will learn and practice additional fundamental lawyering skills. You will receive instruction in LexisNexis, 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.

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. Please note there are exceptions to the Tuesday-writing and Thursday-research arrangement in the syllabus, particularly toward the end of the semester.

Attendance:

Attendance is mandatory for all scheduled class meetings and other scheduled activities, and attendance 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, including grade point penalties, course grade reduction, and possibly withdrawal from the course. Any student who misses a class is responsible for obtaining from classmates all material covered during the class; remember, some professors will not be recording classes. 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 training sessions, required writing conferences, scheduled oral arguments, guest speaker’s presentation, etc.).

Assignments:

Along with shorter assignments, you will write a trial level memorandum of law and an appellate brief. You will also have a research exam that will consist of two parts: objective and practical application. A list of the skills to be tested on this 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 TWEN site or in class. Your Lawyering Skills professors will assume you have read the assigned reading, including CALI lessons, before the class session for which it is assigned.
Based on a maximum raw score of 100 points for the entire course, the maximum number of points you may earn on each assignment towards your final course grade is:

- trial brief: 25
- appellate brief: 40
- research exam: 25
- oral argument: 5
- professionalism: 5

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 both of her sections together, following the required grade distribution and required grade median for all first-year courses at the School of Law, to arrive at your final course grade.

**Minimum requirements:**

You must receive a passing grade on every assessed assignment in the course to pass the course. “Every assessed assignment” includes the shorter pass-fail writing assignments, the shorter research assignments, the graded trial brief, the graded appellate brief, the research exam, and the oral argument. If you do not pass one of these assignments, at the discretion of your Lawyering Skills professor and the Lawyering Skills Director, you may be allowed to try again to achieve a passing grade on the assignment. To be fair to rest of the class, the number of points you receive toward your course raw score will remain the number you received when you initially handed in the assignment, but the fact you repeated the assignment and passed it will be recorded.

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.

**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. Some professors may prohibit all use of electronics during class. Others may ask you to use them only during certain classroom exercises. 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.

**Emergency procedures:**

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC emergency response plan and Building
Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, on BERT’s website www.bert.siu.edu, on the Department of Safety’s website www.dps.siu.edu (disaster drop down), and in the Emergency Response Guidelines pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

**Week 1**  
**Tuesday, January 14**  
class topic: introduction to Lawyering Skills II; introduction to pleadings & trial brief  
prepare for class: Edwards, pp. 253 - 263  
handed out: trial brief assignment; research log assignment  

**Thursday, January 16**  
class topic: research planning  

**Week 2**  
**Tuesday, January 21**  
class topic: introduction to persuasive legal writing  
prepare for class: Edwards, pp. 265 – 278  

**Thursday, January 23**  
class topic: Q&A on trial brief research; persuasive Statement of Facts  
hand in, at beginning of class: research log for trial brief, using correct citation formats  

**Week 3**  
**Monday, January 27, 12:30 p.m. – Thursday, January 30, 12:30 p.m.**  
Sign up on all sections TWEN page for required LexisNexis training.  

**Tuesday, January 28**  
class topic: negotiation  
prepare for class: Suzanne Schmitz, *A Guide to Negotiating*  

**Thursday, January 30**  
class topic: administrative regulations  
prepare for class: Olson, pp. 167-187, 198-202  
posted on TWEN at 12:30 p.m.: research exercise 1, administrative law research
Friday, January 31 (and next week)
required Lexis training

Week 4
Tuesday, February 4
class topic: Q&A on trial brief writing; argument organization in trial brief
hand in, at beginning of class: outline of issues for trial brief
handed out: peer editing exercise

Wednesday, February 5 – Friday, February 7
required Lexis training

Thursday, February 6
class topic: agency decisions & internal materials
prepare for class: Olson, pp. 187-94

Thursday, February 6 – Wednesday, February 12
required writing conferences, schedule TBA
bring to conference: full draft of trial brief, written list of questions

Week 5
Monday, February 10
hand in via TWEN, by 5:00 p.m.: research exercise 1, administrative law research
required Westlaw training this week, details TBA

Tuesday, February 11
class topic: citations & quotations
prepare for class: Edwards, pp. 185-212

Thursday, February 13
class topic: legislative history
prepare for class:
• Olson, pp. 109-42
• required CALI exercise, Johnson, Researching Federal Legislative History
posted on TWEN at 12:30 p.m.: research exercise 2, legislative history

Friday, February 14
hand in, by 9:00 a.m.: trial brief

Week 6
Monday, February 17 – Friday, February 21
required Bloomberg Law training, details TBA
Tuesday, February 18
class topic: peer review exercise; appellate record; front pages of appellate brief
prepare for class: Edwards, pp. 330 – 352
handed out: appellate brief assignment

Thursday, February 20
class topic: legislative history
prepare for class: Olson, pp. 143-47

Week 7
Monday, February 24
hand in via TWEN, by 5:00 p.m.: research exercise 2, legislative history research

Tuesday, February 25
class topic: argument section of appellate brief; standard of review
prepare for class: Edwards, pp. 292 – 318
hand in, at beginning of class: draft front pages of appellate brief

Thursday, February 27
class topic: court rules; jury instructions
prepare for class: Olson, pp. 309-18; 331-32

Week 8
Tuesday, March 4
class topic: point headings
hand in, at beginning of class: draft of argument section of appellate brief

Thursday, March 6
class topic: form books & litigation aids
prepare for class:
  • required CALI exercise, Esposito, *Researching and Working with Procedural Forms*
  • required CALI exercise, Stoddard, *Researching and Working Transactional Forms*
posted on TWEN at 12:30 p.m.: research exercise 3, court & practice materials

spring break – Monday, March 10 – Friday, March 14

Week 9
Tuesday, March 18
class topic: Q&A on appellate briefs
prepare for class:
  • re-read draft of appellate brief
  • Edwards pp. 359 – 363
hand in, at beginning of class: draft of point headings
Thursday, March 20
class topic: getting ready for summer – free sources
hand in via TWEN, by 5:00 p.m.: research exercise 3, court & practice materials

Thursday, March 20 – Wednesday, March 26
required writing conferences, schedule TBA
bring to conference: full draft of appellate brief, written list of questions

Week 10
Tuesday, March 25, 10:30 a.m. – 12:30 p.m., auditorium
class topic: Effective Oral Argument, Judge Thomas Capshaw, guest speaker

Thursday, March 27
class topic: oral argument nuts & bolts
prepare for class: Edwards, pp. 365 – 375

Week 11
Monday, March 31
hand in, by 6:00 p.m.: appellate brief

Tuesday, April 1
class topic: research review

Thursday, April 3, 11:00 a.m. – 12:30 p.m.
research exam, objective portion, rooms 202 & 204

Week 12
Monday, April 7 – Friday, April 11
research exam, practical application portion
oral argument practice rounds
schedules TBA

Week 13
Monday, April 14 – Friday, April 18
oral arguments
schedule TBA