Lawyering Skills (Sections 2 and 4)
Fall 2021

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Syllabus & Course Outline

Course Overview:

Research, writing, and analysis are staples of the legal profession. They represent the basic skills that attorneys perform throughout their careers. This course is designed to help you refine those “lawyering skills” and to apply them to a variety of legal problems. You will develop an ability to identify legal issues from a given set of facts, research and analyze those issues, and to share your knowledge with others in the legal profession in a manner that is widely used by attorneys. In this course, you will complete three major writings as well as several exercises (some graded and some ungraded) that will sharpen your research, writing, and analysis as a lawyer-in-training.

You will also be enrolled in Legal Research this semester and, even though that course meets separately from Lawyering Skills, the two courses are paired, and both your Legal Research Professor (Professor Douglas Lind) and I are working collaboratively to ensure that you develop all of the skills necessary to research and write as lawyers do every day.

Learning Objectives:

Students who successfully complete this course should be able to complete the following tasks (courtesy of Professor George Mader):

- Students will learn to identify sources of primary law and common secondary sources.
- Students will recognize the recursive and analytical nature of the legal research process, as it affects one’s writing; understand the importance of both law and facts when researching and writing; and understand the mechanics and importance of updating one’s research.
- Students will earn the importance of both law and facts in legal analysis, learn to support an argument with appropriate legal authority and logic, and recognize and use various kinds of legal reasoning.
- Students will learn to respect a legal reader’s needs by using the conventions that lawyers use to organize a document and learn to establish credibility through attention to detail.
- Students will learn to communicate complex legal analysis in clear prose.
Required Texts:

The Uniform System of Citation (The Bluebook), 21st ed. ("B")

Recommended Text:


Attendance:

Our class meets twice a week on Tuesday and Thursday mornings. As specified in the Rules of the Southern Illinois University School of Law, “regular attendance to class meetings in all courses is expected and required of all students in accordance with the rule to be announced by the professor at the beginning of each course. Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties ....”

It is your responsibility to ensure that you sign the attendance sheet during class. You should also note that the School of Law Honor Code states that it is academic misconduct to sign another student’s name to an attendance sheet for a class that the other student did not attend. Students may have no more than a maximum of six absences (partial or total) for any reason (other than jury duty, the student’s hospitalization, birth or adoption of the student’s child, or a death in the student’s immediate family – any of which shall be proven by documentation). Students with more than six absences will be referred to the Associate Dean and will be given the lowest possible grade – a failing grade – for the course.

Office Hours:

My door is always open to you and I am available to meet with you anytime I am in the building; however, I have set aside Wednesdays from 3:00-5:00pm just for the purpose of meeting with 1L students. I will also be available to meet on Fridays when I am not helping with Admissions recruiting, and I’m available to meet with students by appointment. We can meet in person or via Zoom. Please arrange to meet with me during my office hours or suggest another time if my office hours are not convenient for you.

Class Participation:

As a law student, I expect that you will come to class having read the material for the day and ready to participate in class discussion. Students will be called on in class, often without advance notice, so be prepared to be principally responsible for helping me explain tort concepts and cases. Everyone is expected to participate in class discussion, and you are always free to raise your hand and volunteer an answer, offer a helpful observation, or ask a question. Law school is a learning laboratory and we can all learn from each other.
Assignment Due-Dates:

All written assignments are to be turned in before the start of your class session, unless the assignment specifically sets a different deadline. Extensions are generally not permitted and will be given only for extreme circumstances that are clearly beyond your control. If you are not in class on a day that a written assignment is due, it is still your responsibility to make sure that your assignment is turned in on time.

The important dates for the major written assignments are:

August 31    Partially-Closed Legal Memo assigned
September 7  Statement of Facts for Partially-Closed Legal Memo turned in
September 14 Partially-Closed Legal Memo turned in

September 14 Closed Legal Memo assigned
October 1     Closed Legal Memo turned in

October 19   Open-Research Legal Memo assigned
November 12  Open-Research Legal memo turned in

In addition to the major writing assignments, you will be required to complete smaller exercises from time to time. We will go over some of them in class; I will collect some and give you feedback; and the Lawyering Skills TAs will review some with you. Those additional exercises include a client letter, three case briefs, citation exercises and a citation exam, and a research scavenger hunt.

Class Recording:

For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance, and for students who wish to review a particular class to better facilitate comprehension of the learning objectives, it is my hope that class sessions will be recorded and made available for viewing. I will post the class PowerPoint slides each week to TWEN.

Writing Ability:

I expect that all law students are competent in basic grammar, sentence and paragraph structure, and the use of punctuation and quotation marks. If you feel that you are deficient in any of these areas, please see me at your earliest convenience. If I feel that you are exhibiting difficulty in any of these areas, I might request a conference with you to discuss my concerns and/or refer you to Professor Anna Vick in the Office of Academic Success.
Grading/Scoring of Assignments:

To successfully complete this course, you will have to submit a client letter, three legal memoranda, and three case briefs and complete a citation exam. The assignments will be scored as follows:

- **Case Briefs (proficiency scoring)** You will have to submit three case briefs from your Torts class for review by the Lawyering Skills Teaching Assistants at various points in the semester. They will use a rubric that I have created to assess your ability to brief cases. You will not receive a grade on your case briefs, but you will not receive credit for completing the briefing exercises until the TAs determine that you have achieved an acceptable level of proficiency. You may have to rewrite your case brief if the TAs determine that your briefs do not meet an acceptable level.

- **Client Letter (proficiency scoring)** You will interview one of the TAs for the course, learn about his or her legal issue and write a business letter to that person, summarizing their legal issue and giving preliminary advice to them. You do not have to know any law to complete this exercise, and I’m not really interested in your legal opinion. This is just a tool to help me assess your writing. You will not receive a grade on your letter, but you will not receive credit for completing the client letter until the TAs determine that you have achieved an acceptable level of proficiency. You may have to rewrite your client letter if the TAs determine that your letters do not meet an acceptable level. I will review the letters as well.

- **Partially-Closed Legal Memo (25 points)** Your first graded assignment will be the FACT and DISCUSSION sections of an inter-office memorandum based on a “closed” set of research materials that I will provide to you. The memo must be typed, double-spaced, in 12-point (or equivalent) font, with one-inch margins. The memo may not exceed 6 double-spaced pages in length. If you turn in a longer memo, I will stop reading (and grading) at the end of page 6. No outside research is permitted, but you may consult and cite to a legal dictionary if necessary.

- **Closed Legal Memo (50 points)** Your second graded assignment will require you to write a closed inter-office memo in the traditional Office Memo format that most lawyers use, including Questions Presented, Brief Answers, Statement of Facts, Discussion, and Conclusion. This assignment will require you to analyze and synthesize a broader range of legal authorities than the first. The maximum length for this assignment is 10 double-spaced pages, in 12-point (or equivalent) font, with one-inch margins. As I indicated in the instructions for the first memo, you may not consult outside resources, but you may consult and cite to a legal dictionary if necessary.

- **Comprehensive Citation Exam (25 points)** You must complete an open-book exam regarding Bluebook citation form. The exam will be administered in-class sometime near the end of the semester.
- Open Legal Memo (100 points) Your final graded assignment, roughly equivalent to a final exam in the course, will be an inter-office memo based on two legal issues that you will research entirely on your own. You will be given a trial transcript from which you will select relevant facts, identify legal issues, locate relevant law using the skills learned in this course, and apply the law to the facts to reach a reasoned conclusion predicting the outcome. Your final written assignment will incorporate all of the skills that we will learn and practice throughout the semester, including citations.

The maximum length for this assignment is 14 double-spaced pages. The memo must be typed, double-spaced, in 12-point (or equivalent) font, with one-inch margins. Your work on the Final Memo will be the most significant factor in your final grade for the course. Consequently, I will grade the final written assignment anonymously using on the exam number assigned to you for this course by the Registrar’s Office.

Assignments:

**Week #1**
August 17: 
N-pp. 1-3; 121-124; 205-208; 327-330
B-Rule B1.1 (pp. 3-4) and Index

**Week #2**
August 24:
N: pp. 7-15 and prepare Exercise 2-B
B: Tables T1-T16 and Index

**Week #3**
August 31:
N: pp. 53-68; 115-119; 321-326 and prepare Exercises 8-A and 8-C
B: B1.2 and B10

**Week #4**
September 7:
N: pp.; 35-52; and prepare Exercises 5-A, 5-B, and 6-A
B: T1 (New Jersey)

**Statement of Facts for Partial Closed Legal Memo due**

**September 9:**
N: pp. 79-87; 97-106; 125-131; 135-141 and prepare Exercise 10-A
B: B2-B9
(Note: This class meets during your normal Legal Research class time.)

**Week #5**
September 14:
N: pp. 17-25 and prepare Exercise 3-A
B: B16

**Partially-Closed Legal Memo due**
Week #6
September 21:  N: pp. 69-78; 153-157
               B: B12, B15, and B18

Week #7
September 28:  N: pp. 27-33 and prepare Exercise 4-A
               B: B11 and B 12

October 1:     Closed Legal Memo due

Week #8
October 5:     N: pp. 107-111; 145-151
               B: In-Class Citation Exercise

Week #9
October 12:    N: pp. 177-181; 189-198 and prepare Exercise 23-A
               B: pp. 83-87

October 14:    N: no reading
               B: no reading
               (Note: This class meets during your normal Legal Research class time.)

Week #10
October 19:    Citation Drills and Scavenger Hunt

Week #11
October 26:    N: pp. 201-204
               B: no reading

Week #12
November 2:    N: no reading
               B: no reading

November 4:    Comprehensive Citation Exam
               (Note: This class meets during your normal Legal Research class time.)
Week #13
November 9:  N: pp. 209-212
            B: Rule 17.2.4 (p. 171)

November 12: Open-Research Legal memo due

Week #14
November 16: N: pp. 223-225
            B: Index Revisited
SYLLABUS ATTACHMENT
SIU SCHOOL OF LAW – FALL 2021

EMERGENCY PROCEDURES: We ask that you become familiar with Emergency Preparedness @ SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: http://emergency.siu.edu/

DISABILITY POLICY. SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation request and renewal forms can be found here:

SALUKI CARES. The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, https://salukicares.siu.edu/. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

COVID-19. SIUC’s policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC’s COVID website (https://siu.edu/coronavirus), which includes the Saluki Safety Plan. People can also send email to pandemicinfo@siu.edu.