

SYLLABUS
LAWYERING SKILLS I
Sections 1 & 2
Fall 2019

Learning objectives:

At the end of the semester, each student will be able to:

- interview a client to obtain the facts relevant to the client's legal problem,
- describe the differences and relationships between the various types of primary and secondary legal authority published in the United States,
- find the up-to-date law relevant to the client's problem through research in secondary and primary legal sources, and
- write a memorandum to a supervising attorney, applying the relevant law to the client's facts with proper attribution and predicting the likely results if the client's problem were to become a court case.

Course management webpage

Course related information, materials, and drop boxes for assignments are located on the course pages on D2L for Law 503A-Lawyering Skills, available at <https://mycourses.siu.edu/d2l/home>.

Required texts:

- Helene Shapo, Marilyn R. Walter, & Elizabeth Fajans, *Writing and Analysis in the Law* (7th ed., Foundation Press 2018). ISBN 9781683282372
- Eric P. Voigt, *Legal Research Demystified: A Step-by-Step Approach* (Carolina Academic Press 2019). ISBN 9781531007836
- Richard C. Wydick & Amy E. Sloan, *Plain English for Lawyers* (6th ed., Carolina Academic Press 2019). ISBN 9781531007003
- *The Bluebook: A Uniform System of Citation* (20th ed. 2015) ISBN 9780692400197
- *Core Grammar for Lawyers*, <http://www.coregrammarforlawyers.com>, one year subscription.

Additional required materials and information for the assignments will be distributed through the

course D2L site and in class.

Recommended texts:

- Jane Bloom Grise', *Critical Reading for Success in Law School and Beyond* (West Academic Publishing 2017) ISBN 978163409364
- Kent C. Olson, *Legal Research in a Nutshell, Thirteenth edition* (West Academic Publishing 2018) ISBN 978-1-64020-804-9, on reserve in the SIU School of Law Library, call number KF240.C54 2018

Required subscription services and related account registration

Students will be required to use the following subscription services as part of this course:

Bloomberg Law; CALI (Computer Assisted Legal Instruction); IICLE (Illinois Institute of Continuing Legal Education) New Lawyer Starter Kit; Lexis Advance; Westlaw.

Registration information will be provided during orientation and additional assistance will be available if necessary. Students should contact Professor Nolan Wright if they have problems with any of these accounts. Professor Wright can be reached at nwright@siu.edu or in room 174 in the law school library.

<u>LS §</u>	<u>time</u>	<u>professors</u>	<u>teaching assistants</u>	<u>room</u>
1	9:00 Tues.	Valerie Munson (vmunson@siu.edu)	Garrett McDowell (garrett.mcdowell@siu.edu)	206
	9:00 Thurs.	Nolan Wright (nwright@siu.edu)	Mary (Katie) Roesch (mary.roesch@siu.edu)	206
2	11:00 Tues.	Valerie Munson (vmunson@siu.edu)	Garrett McDowell (garrett.mcdowell@siu.edu)	206
	11:00 Thurs.	Nolan Wright (nwright@siu.edu)	Mary (Katie) Roesch (mary.roesch@siu.edu)	206

Course description:

In this course you will learn and practice basic lawyering skills. You will apply the various modes of legal analysis that you are learning to clients' legal problems, becoming familiar with the research, writing, and client interviewing processes that practicing attorneys use. Surveys of practicing attorneys (including those that do the hiring) consistently demonstrate these are critically important skills, and experience teaches they differ considerably from those most students bring with them entering law school. There is a symbiotic relationship in particular worth noting between legal research and writing. It does not matter how proficient you are at written or verbal communication if you are wrong on the law, and being right on the law can't save your client if you are not able to communicate effectively. We teach these subjects in an integrated manner in this course, underscoring that relationship.

This semester you will be introduced to and practice the skills needed to search for relevant legal authority, both in print and electronic formats. You will also be introduced to and practice the basic conventions of written legal analysis, primarily focusing on objective legal writing. These skills and conventions include how to find, choose, and cite to appropriate authority; how to organize a written legal analysis; and how to write an objective legal memorandum. (Next semester, in Lawyering Skills II, the focus will shift to persuasive legal writing, more complex legal analysis, and additional legal resources and research techniques).

Class schedule:

Each Lawyering Skills section typically has two class meeting times scheduled for each week. Generally, the Tuesday class meeting will cover writing topics, and the Thursday class meeting will cover research topics. Many of the class meetings will include opportunities to work in smaller groups. Please note there may be 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 course 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 absences for any reason, without penalty, for the writing and research portions of the course combined. For each absence over two, one point will be deducted from the total raw score points earned by the student in the course. Any student who misses a class is responsible for obtaining from classmates all material covered during the class. Be aware, however, that if you miss a class, it is often impossible to duplicate the active learning exercises that take place during class. No deadlines will be extended based solely 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., scheduled Westlaw and Lexis training sessions, scheduled writing or research conferences, scheduled client interviews, etc.).

Assignments:

Along with many shorter assignments, you will write two complete legal memoranda. For the first complete memo, we will provide a set of facts and cases for you to use. For the second memo, you will interview clients (people role-playing) to collect the facts, and you will do your own research to locate the relevant authorities.

There will be weekly assignments to prepare for sessions of the research portion of the class, often including online exercises in addition to assigned readings. The exercises are designed to help students develop their understanding of the subject matter, incorporating quick feedback to identify problem areas so students and research faculty can focus attention where needed and maximize time for hands-on learning during class. Each student will also receive at least one assignment over the course of the semester to lead the class review of a particular research topic, and will need to prepare accordingly. As detailed below, class preparation, including completion of assigned exercises, will count toward the raw scores earned in the research portion of the course. Your research skills and knowledge about legal authority will be assessed through those exercises, a two-part research examination toward the end of the semester, and within the context of your second memo.

Your Lawyering Skills professors will assume you have read the assigned reading before the class. **Students who do well in the course read all of the assigned reading carefully before class.** For readings assigned in the texts to prepare for the writing portion of the class, you do not need to prepare any exercises found in those texts. Written assignments for the writing portion of the class are specified separately in the schedule of class sessions below, and additional short assignments may be announced on the course D2L site or in class.

As you work on the various assignments, you should check with the Lawyering Skills professors and teaching assistants whenever questions arise.

Lawyering skills grading:

There is a total of 100 points available toward your raw score in the course, divided between the writing and research portions as follows.

Sixty-seven (67) points are available through the writing portion of the course, with the maximum available for each assignment as follows:

- Core Grammar post-test: 4 points
- partial closed legal memorandum: 10 points
- first conference preparation: 1 points
- closed legal memorandum: 20 points
- client interview: 3 points
- statement of issues and sources list: 2 points
- second writing conference preparation: 1 points
- open research memorandum: 25 points
- professionalism: 1 points

Your *Core Grammar* post-test points will be determined by your highest post-test score achieved before the deadline, at 4:00 p.m. on Friday, September 15th, using the following scale:

- 90% to 100% - 4 points
- 80% to 89% - 3 points
- 70% to 79% - 2 points
- 60% to 69% - 1 points
- below 60% - 0 points

(You will have access to *Core Grammar* for a full year, and your writing professor may ask you to continue working on some sections covering skills that you can still improve.)

Thirty-three (33) points are available through the research portion of the course, with the maximum available for each assignment as follows:

- Out of class exercises and class preparation: 9 points
- Assigned days as expert to lead the class on a topic: 2 points
- Research conference: 2 points
- In-person objective research exam, testing knowledge of sources and concepts: 10 points
- Take home research practicum, testing ability to conduct research: 10 points

At the end of the semester, your writing professor will add up all of your course points to arrive at your course raw score. Then she will curve the raw scores for her two 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.

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, coming to class late, or e-mailing the professor with a question answered in the syllabus 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 satisfactorily complete every assessed assignment in the course to pass the course. "Every assessed assignment" includes the shorter pass-fail writing assignments, the shorter out of class research exercises, research assignments, the partial legal memo, the two memos, the statement of issues and sources list, the research log, the in-person objective research exam, the take home research practicum, and the client interview. Your professors have full discretion to determine whether you have satisfactorily completed each assessed assignment or need to re-do it. If you have questions or you find yourself confused or uncertain as you work on the assignments, talk to your professors and TA's.

This is a three-credit course. The American Bar Association Standards and Rules of Procedures governing law schools specify "not less than one hour of classroom or direct faculty instruction and two hours of out-of- class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time" *for each credit awarded for the course*. That is a minimum standard. Students typically find this class requires more time than that, as befits the importance of the subject, and should plan accordingly.

Classroom electronics:

The basic rule during class is simple: no electronic grazing. This rule applies to your use of laptops, phones, tablets, and all other mobile or wireless devices. Some professors may prohibit all use of electronic devices during class. Others may ask you to use them during certain classroom exercises, and you should always bring a laptop or tablet with you to your research class sessions (or sit with someone who does and is willing to share it with you for hands-on work). When permitted, use is limited to class note taking and other tasks authorized by your professor, such as

following along as the research professor walks the class through the steps of using an electronic source of law. Unauthorized electronics use during class may result in losing the use of the electronics for the remainder of the semester. Unauthorized use during class includes texting, e-mailing, gaming, shopping, and accessing other sites not related to the classroom topic. Please turn off phone ringers and texting functions before class begins.

Recording:

Lawyering Skills I class sessions generally will not be recorded. 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 the professor 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 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.

Accommodations & 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/>. 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.

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) 453-5714, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. 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.

Class Schedule

Week 1

Tuesday, August 20

Class topic: introduction to legal writing portion of course

Prepare for class:

- Shapo, pp. 1-68, “Introduction to the Legal System and Legal Writing”, “Analyzing Legal Authority: Case Law”
- Bluebook, pp. 1-2 and inside of back cover and page to its left, “Introduction” and Bluebook contents overview.

Handed out: working together policy, two cases to brief before next week’s class

Thursday, August 22

Class topic: introduction to legal research—why it matters, how it differs, what the course will cover, and how we will go about it.

Prepare for class:

- Required readings for Week-1 class posted on the D2L class page.
- CALI Lesson, *Legal Research 101: The Tools of the Trade*, “Beginning the Apprenticeship,” and “Examining the Blueprints,” by Lewis

NOTE: Students must use the individual CALI LessonLinks on the D2L class page for each assigned CALI lesson to get credit for completion.

Week 2

Tuesday, August 27

Class topic: case synthesis

Prepare for class: Shapo, pp. 68-76, “Synthesizing Cases”

Handed out: case synthesis exercise

Thursday, August 29

Class topic: Introduction to sources of legal authority in the United States—types of authority, where they come from, and how they relate to each other.

Prepare for class:

- Voigt, pp. 1-16, 17-28, and completion of related online exercises
- CALI lesson, *Where Does Law Come From?*, by Murley
- Introduction to Basic Legal Citation, What and Why, §§ 1-100 through 1-500, by Peter W. Martin, available at <https://www.law.cornell.edu/citation/>

Week 3**Tuesday, September 3**

Class topic: introduction to the legal memorandum; statement of facts

Prepare for class:

- Shapo, pp. 149-187, “Writing a Legal Document: The Legal Memorandum”, “The Writing Process”
- Wydick, pp. 3-6, “Why Plain English”, pp. 7-22, “Omit Surplus Words”

Hand in case synthesis exercise prior to class through D2L dropbox.

Handed out: closed memo fact pattern; partial memo assignments; writing tips for statement of facts

Thursday, September 5

Class topic: exploring sources of statutory law and related finding aids, with emphasis on statutory codes

Prepare for class:

- Voigt, pp. 49-66, 223-243, and completion of related exercises
- Required readings for Week-3 class posted on the D2L class page
- CALI lesson, *Introduction to State and Federal Statutes*, by Rumsey & Thorpe

Week 4**Tuesday, September 10**

Class topic: small scale structure of written legal analysis

Prepare for class: Shapo, pp. 121-141, “Organization of a Legal Discussion: Small-Scale Organization”

Hand in statement of facts prior to class through D2L dropbox.

Handed out: Requirements for Memoranda Assignments; Citation Sheet

Thursday, September 12

Class topic: exploring sources of regulatory law and related finding aids, with emphasis on regulatory codes

Prepare for class:

- Voigt, pp. 275-286, and completion of related exercises
- Required readings for Week-4 class posted on D2L class page

- CALI lesson, *Rule Making: Federal Register and CFR*, by Brown & Paulus-Jagric

Friday, September 13

- 4:00 p.m.: deadline for completing *Core Grammar* post-test

Week 5

Tuesday, September 17

Class topic: larger scale structure of written legal analysis

Prepare for class: Shapo, pp. 99-120, “Organization of a Legal Discussion: Large-Scale Organization”, pp. 143-148, “The Thesis Paragraph”

Hand in partial memo prior to class through D2L dropbox.

Handed out: full closed memo assignment

Thursday, September 19

Class topic: exploring sources of case law and related finding aids

Prepare for class:

- Voigt, pp. 29-48, and related exercises
- Required readings for Week-5 class posted on D2L class page

Week 6

Monday, September 23 - Friday, September 27

Required conference with writing professor

Bring to conference: full draft of closed research memo and written list of questions.

Tuesday, September 24

Class topic: citations and quotations

Prepare for class:

- Shapo, pp. 471-474, “Quotations”, 219-220, “Use Quotations Sparingly”
- Wydick, pp. 33-38, “Use Short Sentences”
Bluebook p.8-9 (B5.1, B5.2), pp. 10-17 (B10)

Thursday, September 26

Class topic: citators

Prepare for class:

- Voigt, pp. 145-166, and related exercises
- CALI lesson, *Updating/Validating Case Law Using Citators*, by Trammel
- CALI lesson, *Using Citators as Finding Tools*, by Huddleston—skipping the portion on using Shepard’s in print

Week 7

Tuesday, October 1

Class topic: working with statutes

Prepare for class: Shapo, pp. 77-97, “Analyzing Legal Authority: Statutes”, 10-24 “The Development of the Law Through the Common Law Process”, “Statutes and the Relationship Between Case Law and Statutes” (Review from Week 1)

Wednesday, October 2

12:00 noon: deadline to hand in via D2L full closed memo

Thursday, October 3

Class topic: Introduction to legal research process and strategy

Prepare for class:

- Voigt, pp. 171-80-24, and related exercises
- Required readings for Week-7 posted on D2L course page
- CALI lesson, *Legal Research Methodology*, by Scott and Strutin

Week 8

MIDTERM WEEK (No Lawyering Skills Class)

Week 9

Tuesday, October 17 – Research Class Session

Class topic: Exploring secondary sources

Prepare for class:

- Voigt, pp. 81-119, 213-222, and related exercises
- Required readings for Week-9 posted on D2L course page
- CALI lesson, *Legal Encyclopedias*, by Huddleston

Thursday, October 17 – Double Writing Class Sessions; both sections meet at 9:00 (auditorium) and at 11:00 (Room 102)

Class topic 9:00: client interviewing & collecting facts

Prepare for class:

- Shapo, pp. 257-267, “Interviewing the Client”
- Wydick, pp. 39-54, “Arrange Your Words Carefully”

Handed out: client interviewing exercise; statement of legal issues to be covered and sources to be cited in open memo assignment

Class topic 11:00: selecting authority

Prepare for class: Shapo, pp. 10-24, “The Development of the Law Through the Common Law Process”, “Statutes and the Relationship Between Case Law and Statutes” (Review from Weeks 1

and 7)

Thursday, September 27

Research log assignment posts on D2L at 5:00 p.m.

Week 10

Monday, October 21 - Wednesday, October 23

Client interviews

Note: A memorandum summarizing the facts of your open memo problem will be posted on D2L following the end of client interviews.

Thursday, October 25

Class topic: Exploring secondary sources continued

Prepare for class:

- Required readings for Week-10 posted on D2L course page
- CALI lesson, *Subject Specific Treatises*, by Goodman
- CALI lesson, *American Law Reports*, by Kelmore

Friday, October 26

Research practicum take home practice test posts on D2L at 5:00 p.m.

Week 11

Monday, October 28 – Friday, November 1

Required conferences with research professor

Bring research log for open memo to conference

Monday, October 28, by 5 pm

Deadline to hand in practice take-home research practicum via D2L course page

Tuesday, October 29

Writing Basics Quiz

Class topic: questions & answers on open memo, research & writing

Prepare for class: Wydick, pp. 55-70, “Choose Your Words Carefully”

Hand in statement of legal issues to be covered and sources to be cited in open memo prior to class through D2L dropbox.

Thursday, October 31

Class topic: course review and preparation for objective research examination and take home research practicum

Week 12

Tuesday, November 5

In-Person Objective Research Exam

9:00 a.m. – 11:00 a.m., room assignment TBD

Graded take-home research practicum posts on D2L course page at 5:00 p.m.

Tuesday, November 5 - Tuesday, November 12

Required conferences with writing professor

Bring to conference: full draft of open research memo

Week 13

Monday, November 11, by 5:00 p.m.

Deadline to hand in graded take-home research practicum via D2L course page

Tuesday, November 12

Class topic: plain English, gender neutral language, editing & proofreading

Prepare for class:

- Shapo, pp. 221-222, “Avoid Sexist Language”
- Wydick, pp. 23-32, “Use Verbs to Express Action, Prefer the Active Voice”

Friday, November 15

4:00 p.m.: deadline to hand in via D2L open research memo