

**SYLLABUS**  
**LAWYERING SKILLS I**  
**Sections 3 and 4**  
**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
- write a memorandum to a supervising attorney, applying the relevant law to the client's facts and predicting the likely results if the client's problem were to become a court case

**required texts:**

- Linda H. Edwards, *Legal Writing: Process, Analysis, and Organization* (7<sup>th</sup> ed., Wolters Kluwer 2018). ISBN 9781454895916
- Eric P. Voigt, *Legal Research Demystified: A Step-By-Step Approach* (Carolina Academic Press 2019). ISBN 9781531007836
- Coleen Barger, *ALWD Guide to Legal Citation* (6th ed., Wolters Kluwer 2017). ISBN 9781454887768
- *Core Grammar for Lawyers*, <http://www.coregrammarforlawyers.com>, one year subscription.

**recommended text:**

- Richard C. Wydick & Amy E. Sloan, *Plain English for Lawyers* (6th ed., Carolina Academic Press 2019). ISBN 9781531006990
- Kent C. Olson, *Legal Research in a Nutshell* (13<sup>th</sup> ed., West Academic Publishing 2018). ISBN 9781640208049, on reserve in the law school library, call number KF240.C542018

**course management webpage:**

Course related information, materials, and drop boxes for assignments are located on the course page on TWEN for Law 503A-Lawyering Skills, Fall 2019, available at: <https://lawschool.westlaw.com/twen>.

**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.

**writing professor:**

Melissa Marlow

**research professor:**

Alicia Jones

**teaching assistants:**

Anna Calvert

Megan Fugate

**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 who do hiring) consistently demonstrate these are critically important skills. There is a symbiotic relationship 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 not help 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 has two class meeting times scheduled for each week. 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.

**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 for the writing and research classes combined, without penalty. 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., Westlaw and Lexis training sessions, writing and research conferences, client interviews, etc.).

### **assignments:**

Along with many shorter assignments, you will write two complete legal memoranda. For the first complete memo, a set of facts and cases will be provided 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 score 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 exam toward the end of the semester, and within the context of your second memo.

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 are specified separately below, and additional short assignments may be announced on the course TWEN site or in class. For readings assigned in the *ALWD Guide to Legal Citation*, please skip any paragraphs and examples labeled “academic formatting” and identified by a maroon line in the left-hand margin. 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.**

### **grading:**

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

- partial legal memorandum exercise: 10 points
- closed legal memorandum: 20 points
- open research memorandum: 30 points
- client interview: 4 points
- professionalism: 3 points
  
- out of class research exercises and class preparation: 9 points
- assigned days as expert to lead the research 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

### **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 pass-fail research assignments, the partial legal memo, the two memos, the research exam, 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.

Lawyering Skills I is a three credit hour class. 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 of 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. Please note that the ABA standard of nine hours per week is a minimum standard, and students typically find this class requires more time than that, given the importance of the subject, and you 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. 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 teaching that session 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.

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

## **Week 1**

### **Tuesday, August 20**

class topic: introduction to legal writing and Lawyering Skills I

prepare for class:

- Edwards, pp. 1-13; 47-56

handed out: first and second cases to brief

### **Thursday, August 22**

class topic: introduction to legal research- why it matters, how it differs, what the course will cover

prepare for class:

- required readings for week one class posted to TWEN 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 lesson links on the course TWEN page for each assigned CALI lesson to get credit for completion.

### **Friday, August 23**

1-3 study block- initial questions, case briefing, time management, CALI research lessons, Core Grammar tutorials

## **Week 2**

### **Tuesday, August 27**

class topic: case synthesis

prepare for class:

- Edwards, pp. 66-68

hand in at the beginning of class: first and second case briefs

handed out: case synthesis exercise

### **Thursday, August 29**

class topic: introduction to sources of legal authority in the US- 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>

### **Friday, August 30**

1-3 study block- synthesis exercise, CALI research lessons, Core Grammar tutorials

## **Week 3**

### **Tuesday, September 3**

class topic: introduction to the legal memorandum; statement of facts  
prepare for class:

- Edwards, Appendix A

hand in at the beginning of class: case synthesis exercise

handed out: partial memo exercise

#### **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 TWEN class page
- CALI lesson, *Introduction to State and Federal Statutes*, by Rumsey & Thorpe

#### **Friday, September 6**

1-3 study block- fact section of office memo, CALI research lessons, Core Grammar tutorials

#### **Week 4**

##### **Tuesday, September 10**

class topic: small scale structure of written legal analysis

prepare for class:

- Edwards, pp. 75-103

hand in at the beginning of class: statement of facts

##### **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 posted to TWEN class page
- CALI lesson, *Rule Making: Federal Register and CFR*, by Brown & Paulus-Jagric

##### **Friday, September 13**

1-3 study block- work on IRAC, Core Grammar tutorials, CALI research lessons

#### **Week 5**

##### **Tuesday, September 17**

class topic: large scale structure of written legal analysis

prepare for class:

- Edwards, pp. 123-145

hand in at the beginning of class: partial memo exercise

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 to TWEN page

### **Friday, September 20**

1-3 study block- work on case chart, Core Grammar tutorials

### **Week 6**

#### **Tuesday, September 24**

class topic: working with statutes

prepare for class:

- Edwards, pp. 37-43

#### **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 (the portion on using Shephard's in print may be omitted)

#### **Friday, September 27**

1-3 study block- work on closed memo, Core Grammar tutorials, CALI research lessons  
4:00 p.m.: deadline for completing *Core Grammar* post-test and tutorials

#### **Wednesday, September 25 - Tuesday, October 1**

required conference with writing professor

### **Week 7**

#### **Tuesday, October 1**

class topic: citations and quotations

prepare for class:

- Edwards, pp. 149-173

#### **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 to TWEN course page
- CALI lesson, *Legal Research Methodology*, by Scott and Strutin



**Friday, October 4**

hand in by 4:00 p.m.: full closed memo  
no study block today

**Week 8** MIDTERM WEEK

No LS classes or study block this week

**Week 9 (\*\*Note that both sections will attend both classes on Thursday)****Tuesday, Oct. 15**

Class topic: exploring secondary sources

Prepare for class:

- Voigt, pp. 81-119, 213-222, and related exercises
- required readings for week 9 posted on TWEN course page
- CALI lesson, Legal encyclopedias by Huddleston

**Thursday, October 17**

9:00 class topic: selecting authority (Room 204)

prepare for class:

\*Edwards, pp. 57-71

11:00 class topic: client interviewing & collecting facts (Room 202)

prepare for class:

\*required reading TBD

handed out: client interviewing exercise

**Friday, October 18**

1-3 study block- prepare for interview, CALI research exercises

**Week 10****Monday, October 21 - Wednesday, October 23**

client interviews

**Thursday, Oct. 24**

class topic: exploring secondary sources continued

prepare for class

- required readings for week 10 posted on TWEN course page
- CALI lesson, *Subject Specific Treatises*, by Goodman
- CALI Lesson, *American Law Reports*, by Kelmore

**Friday, October 25**

1-3 study block- researching the open memo, CALI research exercises

Research practicum take home practice test posts on course TWEN page at 5:00p.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 5:00p.m.**

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

**Tuesday, October 29**

class topic: questions & answers on open memo, research & writing  
hand in at the beginning of class: list of authorities

**Thursday, Oct. 31**

class topic: course review and preparation for objective research exam and take home research practicum

**Friday, November 1**

1-3 study block- work on open memo, research exam prep

**Week 12**

**Tuesday, November 5**

in-person objective research exam  
9:00a.m.-11:00a.m., room assignment TBD  
Graded take-home research practicum posts on TWEN course page at 5:00p.m.

**Wednesday, November 6 - Tuesday, November 12**

required conference with writing professor  
no study block this week

**Week 13**

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

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

**Tuesday, November 12**

class topic: plain English, gender neutral language, editing & proofreading  
prepare for class:  
• Edwards, pp.175-189

**Friday, November 15**

hand in by 4:00 p.m.: open research memo  
  
no study block this week