

SYLLABUS
LAWYERING SKILLS WRITING
LAW 510A
Sections 2 & 4
Fall 2020

Learning objectives:

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

- 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
- interview a client to obtain the facts relevant to the client's legal problem
- find the up-to-date law relevant to the client's problem through research in secondary and primary legal sources

Required texts:

- Linda H. Edwards, *Legal Writing: Process, Analysis, and Organization* (7th ed., Wolters Kluwer 2018). ISBN 9781454895916
- 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

Course management webpage:

Course related information and materials are located on the course page on TWEN for Law 510A-Lawyering Skills Writing, Fall 2020, available at: <https://lawschool.westlaw.com/twen>.

Writing professor:

Joseph Lester

Research professor:

Nolan Wright

Teaching assistants:

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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 cannot help your client if you are not able to communicate effectively. We teach these subjects in an integrated manner in Lawyering Skills Writing and Lawyering Skills Research, underscoring that relationship.

This semester you will 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. You will also be introduced to and practice the skills needed to search for relevant legal authority, both in print and electronic formats. 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 (Lawyering Skills Writing), and the Thursday class meeting will cover research topics (Lawyering Skills Research). Many of the class meetings will include opportunities to work in smaller groups. Section 2 will meet on T and Th from 9:15-10:30, and Section 4 will meet on T and Th from 11-12:15, both in Room 206.

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. 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., writing 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.

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: 15 points
- closed legal memorandum: 30 points
- open research memorandum: 45 points
- client interview: 5 points
- professionalism: 5 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. The professionalism part of your grade is based 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 partial legal memo, the two memos, and the client interview. Your professor will 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 Writing is a two credit hour class. The American Bar Association standards require you to spend at least 6 hours of your time each week on the course. The classroom component is scheduled for 75 minutes each week, and the required conferences and simulated learning meet the two hours per week direct instruction requirement. 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 4 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 six 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. 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 Writing 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, please seek permission for this.

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 insure 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: <https://law.siu.edu/academics/>.

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, <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.

COVID-19.

As a condition of on-campus enrollment, all SIUC students are required to engage in safe behaviors to avoid the spread of COVID-19, including the requirement that all students wear a mask in campus buildings, including classrooms, laboratories, and studios when others are present, regardless of social distancing. Students are expected to follow physical or social distancing guidelines by keeping at least 6 feet from others, and practicing good hand hygiene. Failure to comply with this policy may result in dismissal from the current class session. If the student refuses to leave the classroom after being dismissed, the student may be referred to the Office of Student Rights and Responsibilities. SIUC will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation. Students should regularly review the link for the [SIUC COVID-19 response](#).

Week 1

Tuesday, August 18

class topic: introduction to legal writing and Lawyering Skills; case briefing

prepare for class:

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

handed out: first and second cases to brief

Friday, August 21

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

Week 2

Tuesday, August 25

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

Friday, August 28

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

Week 3

Tuesday, September 1

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

prepare for class:

- Edwards, Appendix A; Erin Carroll, *Teaching Patience: Why Law Students Need to Slow Down and How to Help Them Do It*, 24 *Perspectives* 23 (2016).

hand in at the beginning of class: case synthesis exercise

handed out: partial memo exercise

Friday, September 4

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

Week 4

Tuesday, September 8

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

Friday, September 11

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

Week 5

Tuesday, September 15

class topic: large scale structure of written legal analysis

prepare for class:

- Edwards, pp. 123-146; Michael J. Higdon, *The Legal Reader: An Expose*, 43 N.M. L. Rev. 77 (2013).

hand in at the beginning of class: partial memo exercise

handed out: full closed memo assignment

Friday, September 18

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

Week 6

Tuesday, September 22

class topic: working with statutes

prepare for class:

- Edwards, pp. 37-43

Friday, September 25

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 23 - Tuesday, September 29

required conference with writing professor

Week 7

Tuesday, September 29

class topic: citations and quotations; selecting authority

prepare for class:

- Edwards, pp. 149-173; pp. 57-71

Friday, October 2

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

Tuesday, October 13

class topic: selecting authority continued; client interviewing & collecting facts

prepare for class:

- required reading TBD

handed out: client interviewing exercise

Friday, October 16

1-3 study block- prepare for interview

Week 10

Monday, October 19 - Wednesday, October 21

client interviews

Friday, October 23

1-3 study block- researching the open memo

Week 11

Tuesday, October 27

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

hand in at the beginning of class: list of authorities

Friday, October 30

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

Week 12

Wednesday, November 4 - Tuesday, November 10

required conference with writing professor

no study block this week

Week 13

Tuesday, November 10

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

prepare for class:

- Edwards, pp.175-189; J. Atlas, E. McKee, & A. Mooney, *The Final Legal Writing Class: Parting Wisdom for Students*, 24 Perspectives 48 (2016).

Friday, November 13

hand in by 4:00 p.m.: open research memo