

**Lawyering Skills (Sections 2 and 4)  
Spring 2022**

Professor Peter C. Alexander

Office: Room 234

Office Telephone: (618) 536-8464

Cell Phone: (618) 559-5308

Email: peter.alexander@siu.edu

TAs: Simran Saini (simran.saini@siu.edu) and Matthew Cook (matthew.cook@siu.edu)

Admin. Asst.: Cynthia Heisner, Room 248

**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 learn 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.

- Students will draft a trial memorandum, discovery documents, and appellate brief, and they will participate in two oral arguments.

**Required Texts:**

Neumann, Simon & Painter-Thorne, Legal Writing (4th ed. 2019) (“N”)  
The Uniform System of Citation (The Bluebook), 21st ed. (“B”)

**Recommended Text:**

Strunk and White, The Elements of Style (4th ed. 1999) or another reputable style manual

**Attendance:**

Our class meets once a week on Tuesday 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 four absences (partial or total) for any reason (other than jury duty, the student’s hospitalization, religious observances, 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 four 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 Mondays 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:

February 11	Trial Memorandum of Law is due (4:30pm deadline)
March 4	Discovery Documents are due (4:30pm deadline)
March 18	Response to Discovery Documents are due (4:30pm deadline)
April 1	Appellate Brief is due (4:30pm deadline)

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.

## **Grading/Scoring of Assignments:**

To successfully complete this course, you will have to submit a trial-level memorandum of law, discovery documents, an appellate brief, and complete a citation exam and two oral arguments. The assignments will be scored as follows:

- Trial Memorandum of Law (50 points) Your first graded assignment will be a memorandum of law in support of or in opposition to a Motion for New Trial in the case of *United States v. Carl Maxxon*. The memorandum of law must be typed, double-spaced, in 12-point (or equivalent) font, with one-inch margins. The memo may not exceed 10 double-spaced pages in length (not including the caption or certificate of service). If you turn in a longer document, I will stop reading (and grading) at the end of page 10.
- Discovery Documents (30 points) You will be expected to draft a set of Interrogatories in a civil action created by the TAs. In addition, you will receive a set of Interrogatories from one of your classmates, and you will have to draft a response to those Interrogatories.

- Appellate Brief (100 points) The final paper in this course will be an appellate brief. This exercise will take place in the United States District Court for the Southern District of Illinois (a real jurisdiction) and your appeal will go to the U.S. Court of Appeals for the 7th Circuit. The form and format of your brief will be informed by the Federal Rules of Appellate Procedure and the Circuit Rules for the U.S. Court of Appeals for the Seventh Circuit, which can be found here: <https://www.ca7.uscourts.gov/rules-procedures/rules/rules.htm>.
- Oral Argument (trial court) (5 points) You will be expected to appear before a trial judge (played by one of our TAs) and argue for or against the Motion for New Trial in the case of *United States v. Carl Maxxon*. The oral arguments will be limited to 5 minutes per side, with no rebuttal time available.
- Oral Argument (appellate court) (15 points) You will be expected to appear before a three-judge appellate panel of judges and argue in support of or in opposition to an appeal that will be provided to you later in the course. The oral arguments will be limited to 15 minutes per side, with rebuttal time available for the party bringing the appeal.

### **Assignments:**

#### **Week #1**

**January 11:** N: pp. 215-227; 331-341 and review the checklist at <https://www.law.cuny.edu/legal-writing/students/court-brief/court-brief-3>.  
B: nothing

#### **Week #2**

##### **January 18:**

Please read “Case Study: Two Versions of a Trial Brief” located at <https://www.law.cuny.edu/legal-writing/students/court-brief/court-brief-4>.

Also, please read “Don’t Crack Up Because of ‘CREAC’!” located at [http://law.ubalt.edu/academics/academic-support/legal\\_writing\\_center/duediligenceguides/Due%20Diligence%20Guide%20Do%20Not%20Crack%20Up%20Because%20of%20CREAC%202018%20.pdf](http://law.ubalt.edu/academics/academic-support/legal_writing_center/duediligenceguides/Due%20Diligence%20Guide%20Do%20Not%20Crack%20Up%20Because%20of%20CREAC%202018%20.pdf)

N: pp. 231-246 (but not the Exercises on p. 246)  
B: Public Domain Citation format (*See, e.g.*, p. 255)

#### **Week #3**

**January 25:** N: Exercises 31-A, 31-B, and 31-C on pp. 246-47 and read Federal Rules of Civil Procedure, Rule 11  
B: no reading

**Week #4**

**February 1:** N: pp. 251-270 and prepare Exercise 33-A  
B: no reading

**Week #5**

**February 8:**

Please read "What is Discovery?" located at: <https://www.hg.org/legal-articles/what-is-discovery-in-a-civil-case-30930>

The Trial Brief is due on Friday, February 11, at 4:30pm. You should email a copy to opposing counsel on February 11 also.

**Week #6**

**February 15:** N: pp. 17-25 and prepare Exercise 3-A  
B: B16

**Week #7**

**February 22:** N: pp. 69-78; 153-157  
B: no reading

Oral arguments will take place this week. A schedule will be posted to TWEN

**February 24:** This class meets during your normal Legal Research class time. Oral Arguments will be scheduled during this time.

**Week #8**

**March 1:** Midterm Exams – No Class (Students will watch a video deposition in lieu of class.)

**March 8:** **Spring Break – No Class**

**Week #9**

**March 15:** N: pp. 275-284; 343-356  
B: no reading

**March 17:** N: pp. 285-305  
B: In-Class Citation Exercise  
(This class meets during your normal Legal Research class time.)

**Week #10**

**March 22:** N: pp. 177-181; 189-198; 305-307 and prepare Exercise 23-A  
B: pp. 83-87

**Week #11**

**March 29:** N: pp. 107-111; 145-151  
B: no reading  
(Appellate Briefs are due on April 1 at 4:30pm.)

**March 31:** N: pp. 309-317

Please read <https://tarlton.law.utexas.edu/bluebook-legal-citation/short-form>, which discusses short-form citations.

(This class meets during your normal Legal Research class time.)

**Week #12**

**April 5:** N: no reading  
B: no reading

**Week #13**

**April 12:** Appellate Oral Arguments will take place this week.

**Week #14**

**April 19:** Appellate Oral Arguments will take place this week.