

Lawyering Skills I: Legal Writing (“LW”)

Syllabus | Fall 2024 | LAW 510A-1 | Toepke

Contact Info

Prof. Carly Toepke

Email: carly.toepke@siu.edu

Office: 2048 (across from elevator)

Office hours: Walk-in Wednesdays 10:00-11:30 am or by appointment (in person or Teams). Also, whenever my door is open, you're welcome to come in.

Class Meetings

Tuesday: 9:00-10:00 am

Thursday: 9:00-10:00 am

Room: LSAR 202

I. Course Description, Overview & Learning Outcomes¹

Welcome to LW!

Your performance in this course will be evaluated on the basis of short written assignments, worksheets, online modules, class participation, and memoranda. The workload for this course typically will involve about four hours of preparation outside of class every week, along with more extensive time for the Final Memorandum. This course complies with the School of Law's Credit Hour Policy and will require **at least 42.5 hours of total work per credit**.

II. Assigned Materials

- Required Texts
 - C. Coughlin, *A Lawyer Writes: A Practical Guide to Legal Analysis*, 3d Ed.(2018) [herein ALW]
 - *The Bluebook: A Uniform System of Citation* (21st Edition) [herein BB]
 - Other readings will be distributed as required
- Required Technology
 - Mastering the Bluebook Interactive Exercises Subscription [Mastering The Bluebook Interactive Exercises 2024-25 Edition : Login](#) [herein MBIE]
 - Class Login Code: 324-089-6118
 - **Discount Code: SIULAW24**
 - **yearlong subscription will use in LWII as well*
 - D2L page for assignments, announcements, and more
- Recommended
 - Consulting [The Redbook: A Manual on Legal Style](#) is advisable as you are polishing your writing. *Prof. Toepke has copies of The Redbook available for 3-hour loan in her office.*

¹ The syllabus is likely to change as the semester progresses depending on the speed at which we move through content. Please check D2L to make sure you have the most updated syllabus. If there are any changes to the syllabus, they will be announced.

III. Grading & Assessment Methods

Mandatory Pass/Fail Graded Assignments:

- Memo 1 – Separate Assignments and re-draft
 - o *Note: while graded for completion, these assignments can affect your final grade on Memo 1. Assignments can receive -0 to -10 points as discussed in each assignment task sheet. Points are deducted when requirements are not met and/or requisite effort is not displayed in the submission. Those points will be deducted from your final Memo 1 score. A -0 score, therefore, is the best available score.*
- Online Mastering the Bluebook Interactive Exercises
- Other in class exercises as assigned
- Teaching Assistant and Professor Conferences
- ***Note: All pass/fail assignments must be completed on time satisfactorily to receive a passing grade in the course.***

Graded Assignments

- Memo 1 – Final Draft – 30 pts
- Citation Exam on Online Mastering the Bluebook – 20 pts
- Client Interview – 15 pts
- Memo 2 – Final Draft – 80 pts

Attendance, Participation & Professionalism

- Active participation and professionalism – 5pts
- *Note: If a student is not prepared to discuss assigned materials when called upon or fails to actively participate in class activities, the student will be marked absent for that class, and the student's grade may be lowered. Students may have no more than a maximum of four absences (partial or total) for any reason.*

TOTAL POINTS AVAILABLE: 150 pts

IV. Assignments

There will be a variety of assignments during the semester: reading assignments, in-class group and individual assignments, and written memorandum (partial and full). See below for due dates. These are subject to change if we need to spend more time on a particular concept. This syllabus will be updated and posted on D2L as needed.

All written assignments come with detailed instructions and, unless otherwise noted, must be submitted on D2L as a MICROSOFT WORD DOC on the due date. Usually, the due date is **08:00 a.m. on the due date** unless the syllabus and D2L will reflect any differences. You will receive feedback that reflects your performance with detailed suggestions for improvement. Failure to complete any assignment fully can affect whether you receive a passing grade for the course.

V. Assignment Due Dates & Late Assignments

Just as in the court, due dates and times are firm and are strictly enforced. All assigned projects are due as noted on below schedule or as announced in class. If a student repeatedly submits late assignments, I will alert the Office of Student Affairs, which will then contact the student directly.

I will grant extensions only in limited cases and only if requested at least **24 hours in advance**, barring emergencies beyond your control. If any written assignment, which includes outlines, drafts, assignments, citation exercises, or otherwise is late without a granted extension, **three penalty points** against total semester points will be imposed for each such late assignment at the moment it is late. If handed in more than an hour past the deadline, **three additional points for each 24 hours thereafter** until all semester points are exhausted.

VI. Attendance

Our class meets twice a week on Tuesday and Thursday mornings from 9:00-10:00 am. 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”

Students may have no more than a maximum of **four absences** (partial or total) for any reason. The attendance requirement is not subject to modification by a professor, nor may a professor excuse an absence. If the absences allowed under this provision have been exhausted, the Associate Dean for Academic Affairs may grant leave and relief from the regular attendance requirement in extraordinary circumstances, including but not limited to: (1) military service; (2) representing the law school at a moot court, mock trial, law review, or official function; (3) jury duty; (4) religious

observances; (5) the birth of a child; (6) the death of an immediate family member to include grandparents; (7) major non-elective surgery or a prolonged hospital stay; or (8) to comply with federal or state antidiscrimination laws, other applicable laws, or SIU policies.

VII. Recording Policy

For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance, 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 D2L. These recordings and materials are not to be shared with students outside the class.

All other recordings of the class are prohibited. Unauthorized recordings and unauthorized access to recordings will be governed by the School of Law Honor Code, § II.E.1.g.

VIII. General Guidelines & Collaboration Policy

You must do your own work on the assignments. The actual expression of your responses to the assignments must be your own. Do not copy anyone's answers or share your work with others. Copying answers or ideas violates the Honor Code.

As we will discuss in class, plagiarism results when you use another's work and submit that work as your own. This rule applies not only to copying work by other students, but also to copying language and ideas from other sources, including treatises and cases. How to avoid:

1. Acknowledge direct use of a source's words with quotation marks and a citation.
2. Acknowledge any paraphrase of a source's words with a citation.
3. Acknowledge direct use of a source's idea with a citation.
4. Do not copy/use someone else's response to the assignment.

A. Dishonest Citation

You will be penalized for dishonest citation. Dishonest citation means—

- Citing a source that does not support the proposition asserted.
- Altering or omitting language in a quotation without indicating the alteration or omission. If you quote, you must quote exactly or indicate alterations and omissions.
- Quoting a commercial summary or research aid as if it is the underlying source.

B. “Talk” collaboration

You may talk with the class Teaching Assistants and me about assignments, and it is also permissible to discuss ideas or questions about assignments with other students. You may not—(*except as allowed during in-class group work*)

- write an assignment jointly
- edit another student’s writing
- copy anyone else’s work
- read another student’s writing before it is turned in or before you turn in your assignment

This ban on collaboration includes obtaining written materials from *any* other person or generated artificial intelligence and/or communicating with any other person about an assignment. This ban on collaboration applies to both graded and ungraded exercises. If you violate the ban on collaboration policy, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask me.

IX. Laptops and Cell Phones

Computers in any form are permitted in class for note-taking purposes, to look up the text of cases, statutes and materials relevant to what is being discussed in class, to look at material posted on the LW D2L pages, and when you are explicitly instructed that you may use your computer for a class activity. You may not use your computer for any other activity, including but not limited to surfing the web, using social networking, checking or sending email, and reading or sending instant or text messages. Any student using a computer for an impermissible purpose during class will be marked absent for that class session and will have their in-class computer privileges suspended for the remainder of the semester (with the exception of working on in-class assignments). For purposes of this rule, “computer” should be defined broadly.

Cell phones should be shut off and placed away where they cannot be seen (absent prior approval). They may not be used for any purpose that would not be permissible if done on a computer.

X. Accessibility Statement

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

XI. Course Standards

When you became a lawyer, you entered a profession requiring ethical behavior, professional competence, the ability to meet deadlines, and an awareness of rules. You will be expected to maintain these standards in LW.

A. Failure to Follow Instructions Counts against You

Each assignment has detailed instructions. If you are uncertain about what to do, do not guess. Seek clarification or discuss the assignment with me. Point deductions will be made if instructions are not followed.

B. Lateness Counts against You

Due dates and times are firm and are strictly enforced. Late assignments will receive a point deduction. If a student repeatedly submits late assignments, I will alert the Associate Dean for Academic Affairs, which will then contact the student directly.

XII. D2L

Assignments, announcements, and other notices will be posted on the D2L platform. You are responsible for familiarizing yourself with the information posted on D2L prior to the examination. All assignments will be posted on D2L.

XIII. AI Tools Policy

In this class, it is a violation of the honor code to misrepresent work that you submit or exchange with your instructor, including work produced by a generative AI tool such as ChatGPT, by characterizing that work as your own. In this class, you may not use generative AI for any writing task, including without limitation for generating text or images, outlining, grammar checks, revision to achieve a certain word count, or revision of organization.

The above ban on collaboration includes obtaining written materials from any other person or generated artificial intelligence and/or communicating with any other person about an assignment. This ban on collaboration applies to both graded and ungraded exercises. If you violate the ban on collaboration policy, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask me.

XIV. Teaching Assistants & Required Meetings

This course will have two 2L teaching assistants (TA). While you are welcomed and encouraged to visit either or both in office hours to get a different perspective as often as you would like, ALL students **are required** to meet at least twice with the teaching assistants – once to discuss Memo 1 and once to discuss Memo 2. The TA's are required to mark your attendance at the meetings, and it is your responsibility to meet with them before Memo 1 and Memo 2 are due to discuss your questions and concerns.

Noah Herndon

Email: noah.herndon@siu.edu

Office Hours: TBA

Location: TBA

Reagan Honn

Email: regan.honn@siu.edu

Office Hours: Tues./Thurs. 1:30-2:30pm

Location: TBA

Similarly, you **are required** to meet with Prof. Toepke at least twice to conference – once about Memo 1 and once about Memo 2 – but welcome to visit more often! Signup times for the individual conferences will be posted as listed in the schedule below.

XV. Course Plan & Assignments

The below course plan will list the readings and assignments due on each class day. Dates marked in light pink are *outside* of normal class meetings. Assignments must be submitted in Word Document format through D2L. This plan is likely to change. Updates will be posted on D2L and announced in class.

	Topic	Reading Due	Assignment Due
Week 0			
	Introductions		Intro Survey on D2L
Week 1			
August 20	Class Introduction & Expectations		
August 22	How Attorneys Communicate	ALW 1 How Attorneys Communicate ALW 7.3 Explaining the Law: Citing and Avoiding Plagiarism ALW Appendix A, B (sample Memos)	
Week 2			
August 27	Case Reading & Rule Intro	ALW 3 Reading for Comprehension ALW 7.1 Explaining the Law: Rules	MBIE: Set 1 – State Cases DUE
August 29	Roadmaps – Questions Presented & Brief Answers	ALW 13 Question Presented, sections I, II & III (pgs. 229-240)	Summary Memo 1 Facts and Brief Cases Due
Week 3			
September 3	Case-finding & Organization	ALW 4 Finding Your Argument ALW 5 Organization Your Legal Authority	MBIE Set 2 – Federal Cases DUE

	Topic	Reading Due	Assignment Due
September 5	Rule-Based Reasoning	ALW 8.1 Applying the Law; Rule-Base Reasoning	MBIE Set 3 – Multiple Parties DUE
Week 4			
September 10	Binding, Persuasive, Primary, Secondary Sources	ALW 2 Sources & Systems of the Law	MBIE Set 4 – Reporters Due
September 12	Statement of Facts	ALW 14 Statement of the Facts	Memo 1 Draft Rule Cluster Due
Week 5			
September 17	Statutes	ALW 11 Statutory Analysis	MBIE Set 5 – Businesses & Organizations DUE
September 19	Intro to Case Illustrations	ALW 7.2 Explaining the Law: case Illustrations ALW 8.2 Applying the Law: Analogical Reasoning	
Week 6			
September 24	How To Use Case Illustrations	No reading due	MBIE Set 6 – Governmental Parties DUE
September 26	Peer Review of Case Illustrations	No reading due	Case Illustration draft due via D2L for in-class peer review
Week 7			
October 1	Arguments	ALW 6 One Legal Argument ALW 9 Conclusions to One Legal Argument	

	Topic	Reading Due	Assignment Due
October 3	Discussion Section	ALW 12 The Discussion Section: Introducing & Connecting Legal Arguments	Memo 1 Rules & Case Illustrations Due
Week 8	MIDTERM WEEK		
October 8	No Class		
October 10	No Class		
Week 9			
October 15	Adverse Authorities & Policy	ALW 8.3 Applying the Law: Counter-Analyses ALW 10 Policy	<i>Required Conferences with Prof. Toepke and TA as scheduled re: Memo 1</i>
October 17	Brief Answers & Conclusions	ALW 13 Brief Answer, section IV (pgs. 241-244) ALW 15 Conclusion to the Memorandum	Memo 1 Discussion Section Due 10/18 12:00 p.m. (noon) <i>Required Conferences with Prof. Toepke and TA as scheduled re: Memo 1</i>
Week 10			
October 22	Citation Workshop with TAs 12:15 -1:15 p.m.	<i>Lunch served</i>	MBIE Set 7 & 8 DUE <i>Required Conferences with Prof. Toepke and TA as scheduled re: Memo 1</i>
October 24	How to Interview Clients	<i>Memo 2 problem distributed</i>	Memo 1 – Full Draft Due 10/24 12:00 p.m. (noon) <i>Required Conferences with Prof. Toepke and TA as scheduled re: Memo 1</i>
Week 11			
October 29	Client Interview (scheduled in groups) No Class Scheduled	Read Memo 2 Cases to prep for interview	<i>Prep questions with partner to ask client</i>

	Topic	Reading Due	Assignment Due
October 31	Client Interview (scheduled in groups) No Class Scheduled	Read Memo 2 Cases to prep for interview	<i>Prep questions with partner to ask client</i>
Week 12			
November 5	Other Ways to Communicate	ALW 17 Client Letters	
November 7	Drafting a Client Letter	No reading due	MBIE: Citation Exam DUE Nov. 8 11:59pm
Week 13			
November 12	Polishing your final draft	16 Editing and Polishing	<i>Required Conferences with Prof. Toepke and TA as scheduled re: Memo 2</i>
November 14	LW for finals and the bar exam: issue spotting task memos	No reading due	<i>Required Conferences with Prof. Toepke and TA as scheduled re: Memo 2</i>
Week 14			
November 19	In class mini MPT	No reading due	<i>Required Conferences with Prof. Toepke and TA as scheduled re: Memo 2</i>
November 21	Final Class – Wrapping Up Final Questions on Memo 2	No reading due	<i>Required Conferences with Prof. Toepke and TA as scheduled re: Memo 2</i>
November 22			Memo 2 Full Draft Due 11:59pm

This Syllabus incorporates by reference the [Provost Syllabus Attachment](#) and the below Law School Syllabus Attachment.

SYLLABUS ATTACHMENT

SIU SIMMONS LAW SCHOOL – Fall 2024

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. Please send approved accommodations to your faculty through the DSS online portal.

SALUKI CARES and COUNSELING & PSYCHOLOGICAL SERVICES (CAPS). 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://salukicare.siu.edu/>. Associate Dean Sheila Simon ssimon@siu.edu or (618) 536-8321 is available at the Simmons Law School to help students access university resources. Additionally, counseling services are available through CAPS (*Counseling and Psychological Services (CAPS) | Student Health Services | SIU*). A counselor is at the law school every Wednesday from noon until 4:30pm in Room 268 for drop-in appointments.

SAFETY AWARENESS FACTS AND EDUCATION Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>