

Lawyering Skills (Section 2)
Fall 2024

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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 Kelly Collinsworth) and I work collaboratively to ensure that you develop all of the skills necessary to research and write as lawyers do every day.

In addition to taking Lawyering Skills: Legal Writing I, you will also be enrolled in Mastering Legal Education. Your Mastering class will be taught by Professor Anna Vick, but you will quickly learn that Mastering and Lawyering Skills are also closely-associated first-year courses in which you will “learn to think like a lawyer”; hone your legal reasoning and communication capacities; solve authentic legal problems and communicate the solutions in writing; and then use the resulting strategies to improve your learning in all your law school courses and activities.

Learning Objectives:

Students who successfully complete this course should be able to complete the following tasks (courtesy of University of Arkansas – Little Rock 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 be able to effectively employ strategies of active listening, empathy and effective allyship during classroom discussions and group work.
- Students will be able to critically reflect on their professional identity, recognizing the impact of internal and external factors on their identity.

Required Texts:

- Neumann, Simon & Painter-Thorne, *Legal Writing* (5th ed. 2023) ("N") ISBN: 978-15438-5864-8
- *The Uniform System of Citation (The Bluebook)*, 21st ed. ("B")

Strongly-Recommended Texts:

- Strunk and White, *The Elements of Style* (4th ed. 1999) or another reputable style manual.
- *Black's Law Dictionary* (11th ed.) – A number of apps and paper versions of this resource are available, but *Black's* is also available to you without charge on Westlaw, a legal research database you will use as an SIU law student.

Attendance:

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

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 Thursdays from 10:00-11:00am just for the purpose of meeting with 1L students. I will also be available to meet on Fridays 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 Teams. 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:

August 27 (Partial) Closed Legal Memo assigned
September 3 Statement of Facts for (Partial) Closed Legal Memo turned in (during class)
September 12 (Partial) Closed Legal Memo turned in (during class)
September 17 Closed Legal Memo assigned
October 4 Closed Legal Memo turned in (drop box by 4:30pm)
October 17 Open-Research Legal Memo assigned
November 22 Open-Research Legal memo turned in (11:59pm)

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, two case briefs, citation exercises, a (graded) citation exam, an editing exercise, 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 D2L.

Writing Ability:

I expect that all law students are competent in basic grammar, sentence and paragraph structure, and the use of punctuation and quotation marks. If you feel that you are deficient in any of these areas, please see me at your earliest convenience. If I feel that you are exhibiting difficulty in any of these areas, I might request a conference with you to discuss my concerns and/or refer you to the Office of Academic Success or to the University's Writing Center.

Grading/Scoring of Assignments:

To successfully complete this course, you will have to submit a client letter, three legal memoranda, and two case briefs and complete a citation exam. The assignments will be scored as follows:

- **Case Briefs (proficiency scoring)** You will have to submit two case briefs from your Torts class for review by the Lawyering Skills Teaching Assistants at two points in the semester. They will use a rubric that I have created to assess your ability to brief cases. You will not receive a grade on your case briefs, but you will not receive credit for completing the briefing exercises until the TAs determine that you have achieved an acceptable level of proficiency. You may have to rewrite your case brief if the TAs determine that your briefs do not meet an acceptable level.
- **Client Letter (proficiency scoring)** You will interview one of the TAs for the course, learn about his legal issue and write a business letter to that person, summarizing the legal issue and giving preliminary advice to your client. You do not have to know any law to complete this exercise, and I'm not really interested in your legal opinion. This is just a tool to help me assess your writing. You will not receive a grade on your letter, but you will not receive credit for completing the client letter until the TAs determine that you have achieved an acceptable level of writing proficiency. They will use a rubric that I have created to assess your writing ability. You may have to rewrite your client letter if the TAs determine that your letters do not meet an acceptable level. I will review the letters as well.
- **Closed (Partial) Legal Memo (25 points)** Your first graded assignment will be the FACT and DISCUSSION sections of an inter-office memorandum based on a "closed" set of research materials that I will provide to you. The memo must be typed, double-spaced, in 12-point Times New Roman (or equivalent) font, with one-inch margins. The memo may not exceed 6 double-spaced pages in length. If you turn in a longer memo, I will stop reading (and grading) at the end of page 6. No outside research is permitted, but you may consult and cite to a legal dictionary if necessary.

You will turn in the Fact section of your memo prior to turning in the completed memo, and I will edit your Fact section and return it to you in time for you to make any edits to the Fact section prior to turning in the completed memo.

- **Closed Legal Memo (50 points)** Your second graded assignment will require you to write a closed inter-office memo in the traditional Office Memo format that most lawyers use, including Questions Presented, Brief Answers, Statement of Facts, Discussion, and Conclusion. This assignment will require you to analyze and synthesize a broader range of legal authorities than the first. The maximum length for this assignment is 12 double-spaced pages, in 12-point Times New Roman (or equivalent) font, with one-inch margins. As I indicated in the instructions for the first memo, you may not consult outside resources, but you may consult and cite to a legal dictionary if necessary.
- **Comprehensive Citation Exam (25 points)** You must complete an open-book exam regarding Bluebook citation form. The exam will be administered in-class sometime near the end of the semester.
- **Open Legal Memo (100 points)** Your final graded assignment, roughly equivalent to a final exam in the course, will be an inter-office memo based on two legal issues that you will research entirely on your own. You will be given a trial transcript from which you will select relevant facts, identify legal issues, locate relevant law using the skills learned in this course, and apply the law to the facts to reach a reasoned conclusion predicting the outcome. Your final written assignment will incorporate all of the skills that we will learn and practice throughout the semester, including citations.

The maximum length for this assignment is 14 double-spaced pages. The memo must be typed in 12-point (or equivalent) font, with one-inch margins. Your work on the Final Memo will be the most significant factor in your final grade for the course. Consequently, I will grade the final written assignment anonymously using your Student DawgTag Number.

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>

Assignments:

Week #1

August 20: N-pp. 1-3; 121-124; 205-208; 327-330
B-Rule B1.1 (pp. 3-4) and Index

August 22: N: pp. 7-15 and prepare Exercise 2-B
B: Tables T1-T16 and Index

Week #2

August 27: N: pp. 17-25 and prepare Exercise 3-A
B: Rule B10

Partial Closed Legal Memo assigned (due September 3 & 12)

August 29: N: pp.; 35-52; and prepare Exercises 5-A, 5-B, and 6-A
B: T1 (Wyoming)

Week #3

September 3: N: pp. 53-68; 115-119; 321-326 and prepare Exercises 8-A and 8-C
B: B1.2

Partial Closed Legal Memo Facts & Discussion Section due at start of class

September 5: N: pp. 79-87; 97-106; 125-131; 135-142 and prepare Exercise 10-A
B: B2-B9

Week #4

September 10: Bluebook Review

September 12: In-Class Editing Exercise

Partial Closed Legal Memo due at 4:30pm in the drop box

Week #5

September 17: N: pp. 107-111; 145-151
B: B16

Closed Legal Memo assigned (due: October 4, 4:30pm)

September 19: N: pp. 153-157
B: B15 and B18

Week #6

September 24: N:159-162

September 26: In-Class Citation Exercise

Week #7

October 1: N: pp. 27-33 and prepare Exercise 4-A
B: B11 and B12 (through B12.1.4)

October 3: N: pp. 69-78
B: B12.2

October 4: **Closed Legal Memo due by 4:30pm, October 17 (in drop box)**

Week #8 – Midterm Week

October 8: No class

October 10: No class

Week #9

October 15: N: pp. 177-181; 189-198 and prepare Exercise 23-A
B: pp. 83-87

October 17: **Jumpstarting Your Research**
Open-Research Legal Memo assigned (due: November 22, 11:59pm)

Week #10 **Group Meetings (Plaintiffs will meet from 10:00-10:30 and Defendants will meet from 10:30-11:00)**

October 22: N: no reading
B: no reading

October 24: **Citation Drills and Scavenger Hunt**

Week #11

October 29: N: pp. 201-204
B: no reading

October 31: N: no reading
B: Index Revisited

Week #12

November 5: **Library Research Day**

November 12: **Comprehensive Citation Exam**

Week #13

November 12: N: pp. 209-212
B: Rule 17.2.4 (p. 171)

November 14: **In-Class Email Exercise**

Week #14

November 19: N: pp. 223-225
B: Index Revisited

November 21: **In-Class Editing Exercise**

November 22: **Open-Research Legal memo due by 11:59pm**