

SYLLABUS
LAWYERING SKILLS II
Law 510B
Sections 2 & 4
Spring 2021

learning objectives:

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

- write a brief to a federal District Court
- write a brief to a federal Court of Appeals
- conduct a basic case settlement negotiation
- give an appellate oral argument

course description:

This semester, you will learn and practice additional fundamental lawyering skills. You will have additional practice in the basic conventions of written legal analysis, primarily focusing on persuasive legal writing, while completing a trial brief and an appellate brief. In addition, you will be introduced to the skills of negotiation and appellate oral argument.

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

recommended texts:

- 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 510B Lawyering Skills II Writing, Spring 2021, available at:

<https://lawschool.westlaw.com/twen>

writing professor:

Melissa Marlow (mmarlow@siu.edu)

research professor:

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teaching assistants:

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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 845-10, and Section 4 will meet on T and Th from 1030-1145, both in the Courtroom.

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, oral arguments, etc.).

assignments:

Along with shorter assignments, you will write a trial level memorandum of law (a brief addressed to the trial court) and an appellate brief. As you work on the various assignments, please do not hesitate to check with your Lawyering Skills professors or teaching assistants whenever questions or uncertainties arise.

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 writing portion of the course, the maximum number of points you may earn on each writing assignment toward your final course grade is:

• trial brief:	35
• appellate brief:	50
• oral argument:	10
• professionalism:	5

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, or coming to class late 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 complete every assessed assignment in the course to pass the course. "Every assessed assignment" includes the shorter writing assignments, the graded trial brief, the graded appellate brief, and the oral argument. Do not hesitate to ask your Lawyering Skills professors or the TA's if you have questions or you find yourself confused as you work on the assignments.

Lawyering Skills II 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, smartphones, iPads and other tablets, and all other mobile or wireless devices. When permitted, such use is limited to class note taking and other tasks authorized by your professor. Unauthorized use of electronics may result in a loss of the privilege of using them in class for the remainder of the semester. Unauthorized use during class includes texting, e-mailing, gaming, shopping, and accessing sites not related to the classroom topic. Please turn off cell phone ringers and texting functions before class begins.

recording:

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 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. If you think you may be eligible for accommodations but have not yet obtained approval, please contact 618-453-5738 or 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. Accommodation [request](#) and [renewal](#) forms can be found here: <https://law.siu.edu/academics/>

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 618-453-2461, 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, 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 practice 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](#).

Weekly Class Schedule**Week 1****Tuesday, January 19**

class topic: introduction to Lawyering Skills II; introduction to pleadings & trial brief
prepare for class: Edwards, 209-216
handed out: trial brief assignment

Friday, January 22

11-1 online study block- finding secondary sources for trial brief

Week 2**Tuesday, January 26**

class topic: introduction to persuasive legal writing; persuasive statement of facts; Q and A on trial brief research
prepare for class: read pleadings & highlight points in dispute and Edwards, 217-228, 277-295, App. D
hand in: trial brief secondary source list, in correct citation form
handed out: sample trial brief

Friday, January 29

11-1 online study block- finding primary sources for trial brief

Week 3**Tuesday, February 2**

class topic: negotiation
prepare for class: TBD
hand in: trial brief primary source list, in correct citation form and outline of issues

Friday, February 5

11-1 online study block- write trial brief rough draft in preparation for conference

Week 4

Tuesday, February 9

class topic: argument organization in trial brief; Q&A on trial brief writing
prepare for class: Edwards, 229-257

Thursday, February 11 – Wednesday, February 17

required writing conferences
bring to conference: full draft of trial brief, written list of questions

Friday, February 12

11-1 online study block- TAs will hold a citation lab, plus provide feedback on citation for the trial brief

Week 5

Tuesday, February 16

class topic: citations & quotations

Friday, February 19

hand in trial brief by 4:00p.m.

Week 6

Tuesday, February 23

class topic: introduction to appellate brief; front pages; record on appeal
prepare for class: Edwards, 259-275, App. E & F; Kenneth Chestek, *The Plot Thickens: The Appellate Brief as Story*, 14 J. Legal Writing 127 (2008), available for download at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=998388
<http://lawteaching.org/lawteacher/2008fall/lawteacher2008fall.pdf>
handed out: appellate brief assignment

Friday, February 26

11-1 online study block- appellate brief front pages, research for appellate brief source list

Week 7

Tuesday, March 2 (*BOTH SECTIONS ATTEND BOTH CLASSES)

9:00 class topic: argument section of appellate brief; standard of review

prepare for class: Amanda Peters, *The Meaning, Measure, and Misuse of Standards of Review*, 13 Lewis & Clark L. Rev. 233 (2009) (Parts I, II, and III).

hand in, at beginning of class: draft front pages of appellate brief; appellate brief source list

11:00 class topic: summary of the argument; point headings

prepare for class: Judith Fischer, *Summing It Up with Panache: Framing a Brief's Summary of the Argument*, 48 John Marshall L. Rev. 991 (2015).

Week 8 (MIDTERM WEEK: Lawyering Skills writing class cancelled)

March 8-12

Week 9

Tuesday, March 16

class topic: Q&A on appellate briefs

prepare for class: finalize rough draft in preparation for required conferences, Edwards, 299-317

Wednesday, March 17 – Tuesday, March 23

required writing conferences

bring to conference: full draft of appellate brief, written list of questions

Friday, March 19

11-1 online study block- TAs will answer questions on appellate briefs

Week 10

Tuesday, March 23

class topic: effective oral argument

prepare for class: Edwards, 319-329

Friday, March 26

hand in appellate brief by 4:00p.m.

Week 11

Tuesday, March 30

class topic: oral argument nuts & bolts

Friday, April 2

11-1 online study block-prepare for practice and graded rounds

Week 12

Tuesday, April 6 – Friday, April 9

oral argument practice rounds

schedule TBD

Week 13

Tuesday, April 13 – Friday, April 16

oral arguments

schedule TBD