

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW

Lawyering Skills: Legal Writing II

Spring 2023

Professor Jennifer E. Spreng

Contact:

jennifer.spreng@siu.edu
Lesar Law Building Room 212

Class Logistics:

Tuesdays 11:00 a.m. – noon
Thursdays 11:00 a.m. – noon

Office hours:

I am generally in my office after class on Tuesday and Thursday afternoons.
I am also happy to see students by appointment at other times.

In Lawyering Skills: Legal Writing II you will continue to “learn like a lawyer”; hone your legal reasoning and communication capacities; solve authentic legal problems; communicate the solutions in writing; and then use the resulting strategies to improve your learning in all your law school courses and activities. Throughout, you will use learning methods and resources, such as the Signature Method, the Prepare-Perform-Improve (PPI) process, and resources typical of law practice, to improve your work product with feedback, learn our profession’s standards, and receive extensive mentoring.

This term, it’s really real! This term, we are in court . . . that is, the United States *Supreme* Court! Colleagues have litigated *Euphoria v. Strong* through trial and appeal and the Supreme Court has issued its “writ of certiorari.” Your primary assignment is to write the Supreme Court Brief for your chosen client. You and a colleague will also brief your Supervising Attorney and then argue the case before the Supreme Court justices!

It all awaits in Lawyering Skills: Legal Writing II!

**Treat this syllabus like a court’s scheduling order:
You are responsible for knowing and complying with this syllabus,
especially assignment deadlines!**

CLASS INFORMATION AND POLICIES

1. Course Objectives. The objectives of this course are that the student shall:

- Think, act, and communicate like a lawyer in a client representation setting.
- Solve an advanced legal problem with legal reasoning.
- Communicate that legal reasoning in a persuasive setting orally and in writing.
- Use citation manuals and correct introductory and advanced correct forms when citing legal authority.
- Demonstrate ability to participate professionally with a legal office supervisor to present research findings.
- Communicate legal reasoning and argumentation in a student Supreme Court brief, with an emphasis on comprehensive legal reasoning, appropriate structure, correct format and consistency with the Court rules, and correct citation form.
- Employ vigorous introductory oral advocacy skills in a Supreme Court courtroom setting.
- Develop a nascent sense of professional identity in the context of simulated client representation.
- Understand how the cultural attributes of either of the course clients may be valuable or integral to an attorney's representation.

2. Books and materials. We will use the following in this class:

- Richard K. Neumann Jr., Sheila Simon & Suzianne D. Painter-Thorne, *Legal Writing* (4th ed. 2019).

- *The Bluebook: A Uniform System of Citation* (21st ed. 2020).
- Texas Law Review, *Manual on Usage and Style* (15th ed. 2020).
- Four highlighters – yellow, pink, green, and blue, which we will use for some in and out of class activities.
- Video created for this course and available on D2L.
- Copies of written court briefs and oral argument recordings available on D2L.
- Strongly recommended: *Black’s Law Dictionary* (11th ed.) – a number of app 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.

3. Attendance. All school policies related to attendance and tardiness are in effect. Missing announcements, assignments, or in-class activities due to absence or tardiness may result in a loss of points. Otherwise, attendance is mandatory for all scheduled class meetings and other scheduled course activities.

4. Grades. You will receive a letter grade in Lawyering Skills: Legal Writing. There are one hundred (100) points available in the class. You will earn points for fully (F) and lightly (L) graded assignments.

The allocation of points is as follows, with an explanation below of each category:

ACTIVITY	PERCENT
Pre-Projects (L)	6
Self-Assessments (L)	6
Individual Meetings	6
Projects 4.1-4.3, 4.5 – draft brief parts (L)	20
Project 4.4 – Supervising Attorney meeting (F)	8
Project 4.6 – Final Supreme Court Brief (F)	40
Project 5 – Oral Argument (F)	10
Professionalism	4
TOTAL	100

For more details, see the “Assignments Chart” towards the end of this syllabus and the assignment sheets posted on our D2L course management site.

a. Lightly graded assignments (32 points). The Assignments Chart indicates lightly graded assignments with an “(L).” See more about some of these activities below. You will receive feedback and other indications of progress on many of these activities in writing, class, and/or individual meetings.

You may expect to receive most if not all of the points for submissions that show a **good, conscientious effort** to produce a high-quality document that takes into account the following: (1) prior feedback, (2) protocols in the assignment sheets or otherwise posted on our course management site, (3) in-class coverage, and (4) appropriate progress toward producing a high-quality final document. Do not assume scores on lightly graded assignments are indicators of ultimate grades in the class, though the nature of formative assessment and feedback is that the better a product you turn in, the farther you will progress, often with gratifying impact on final grades.

b. Fully graded activities (58 points). The Assignments Chart below indicates fully graded activities with an “(F).” You will receive a numerical score based on the absolute and relative quality of your work. Fully graded activities are:

8 points = Project 4.4 - Supervising Attorney Meeting
40 points = Project 4.6 - Final Supreme Court Brief
10 points = Project 5 - Oral Argument

c. Individual Meetings (6 points). You will attend three individual meetings with me this term. The first is a joint meeting required in both in Legal Writing and Mastering Legal Education. The second and third will focus primarily on opportunities for improvement in your Legal Writing assignments. You will receive two (2) points for scheduling and attending each meeting.

Of course, I welcome opportunities to meet with you at other times in-person or on Zoom about Legal Writing, Mastering Legal Education, or other matters of interest or concern to you. Please do not hesitate to ask, even on weekends or evenings; when you are working, within reason, I try to be available to you so I can provide you what you need to perfect your work product. Email me for an appointment or drop by the office to see if I am available.

d. Professionalism (4 points). Professionalism, including professional participation in class, constitutes a portion of your final grade for the fall semester. Professionalism's roots are the lawyer's understanding that this profession holds itself to the highest ethical and professional standards. For this grade category, "professionalism" is "student professionalism," defined as follows:

Conduct whereby lawyers, in the ethical service of others, take personal responsibility to: (1) ensure they are competent in their understanding of the law; (2) pay close attention to detail in their work product and use of language; (3) simultaneously handle multiple tasks when necessary in a timely manner so as to meet obligations; (4) dress and groom in a manner consistent with their workplace culture; (5) treat others with respect, even in disagreement; (6) put the interests of clients before their own; and (7) protect the rule of law.

To maximize this portion of your final grade, do the following: actively read and prepare for each class session; arrive to every class on time and ready to participate; be respectful and courteous to everyone in the classroom; do not talk, text, or use cell phones or other electronic devices during lecture except as such use may be directly related to the class; make every effort to improve your

research, writing and analysis skills as the semester progresses; and thoughtfully engage in discussion if called upon in the class.

Because I assume all law students arrive at law school with a sense of professionalism, all students will begin each semester with the full portion of their grade devoted to professionalism. I will then deduct points accordingly, solely and entirely in my discretion, for each instance of unprofessional conduct.

e. Other. I retain the discretion to add or deduct points related to professionalism, participation, preparedness, attendance, quizzes, extra credit and activities not otherwise indicated on this syllabus.

5. Assignment deadlines. See the appropriate assignment sheet and the Assignments Chart for assignment due dates. Each of the assignment sheets also lists the items you must post in the D2L assignment dropbox by the deadline to receive full credit.

a. Late submission. Do not turn in assignments late. You will lose points or credit for assignments turned in after the due date and time as indicated in the chart below. I will not accept papers more than forty-eight (48) hours late in Legal Writing. The only exceptions to this policy require that you file a Motion for Extension of Time as explained in subsections (b) and (c) below. Turning in an assignment late in the hope of earning more points is almost never advantageous; do not do it!

See the chart below for precise rules on point deductions for late work.

POINTS AVAILABLE FOR ASSIGNMENT	POINTS DEDUCTED IF UP TO 24 HOURS LATE	POINTS DEDUCTED IF UP TO 48 HOURS LATE
Up to and including 5 points	50 percent	No credit after 24 hours
More than 5 points	25 percent	50 percent No credit after 48 hours

b. Motions for Extension of Time. In rare circumstances, I might extend your time to turn in a response to an in-class activity or out-of-class assignment or to attend a class or meeting with or without a penalty but only if you file a Motion for Extension of Time with grounds showing good cause for the exception with a proposed Order, both clearly stating relief requested.

I am most likely to grant your motion if you anticipate a life event that will interfere with your complying with a due date or activity and file the Motion for Extension of Time prior to the assignment due date or in-class activity. Otherwise, assume I will only rarely grant Motions for Extension of Time and probably never if the proposed due date is on or after the next assignment due date unless COVID-19 has interfered with your ability to meet the deadline.

c. Process for moving for an extension of time. Forms for a Motion for Extension of Time and proposed Order are available on D2L in the Syllabus and Supporting Materials Module. To move for an extension of time, you must file both documents by emailing them to me. **You must state grounds that show good cause to extend time and/or for any other relief you request.** The forms apply primarily to late submission of written work, but you may modify them to make other analogous requests. You have the responsibility of bringing your motion to my attention and including in the proposed order the provisions you wish me to sign. I am not responsible for responding to motions I overlooked, did not receive, or inadvertently lost.

6. Course Management System. Our course materials, class reading and other assignments, sign-up sheets, and assignment submission dropboxes will appear on our Desire2Learn course management site (D2L). **I will not accept submissions via email except in unusual situations.**

7. Teaching Assistants in Legal Writing. Teaching Assistants are high-performing upper-class students who assist professors with a range of teaching preparation, learning activities, and student assistance that enrich first-year courses. Our teaching assistants for Legal Writing are:

- Allison Cozart (allison.cozart@siu.edu)
- Michael Hall (michael.a.hall@siu.edu)

Both were outstanding performers in Lawyering Skills: Legal Writing in 2021-22. They will help you with advice and feedback related to briefs, charts, and citation, and will lead some activities. Please feel free to reach out for assistance but remember that like you, they are students, so give them as much lead time as possible.

8. American Bar Association (ABA) Standard 310. Under the ABA Standards for accrediting law schools, a credit hour is, “an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.”

For a two-credit course such as Lawyering Skills: Legal Writing I, the Standard means a student must attend at least **one hundred (100) minutes** of class each week (one classroom hour = fifty (50) minutes). The ABA also requires that students in a two-credit course spend **at least four hours** on out-of-class work. Note that these are minimum requirements. You may assume you will spend much more than this bare minimum doing assignments for both Legal Writing.

9. Law School Honor Code and University Code of Conduct. Both the Honor Code and the Code of Conduct apply and are in effect in this class. **Read both documents carefully and make sure you comply with both at all times. Submitting plagiarized work or any other form of work not your own, regardless of a student’s purpose or intent, is potentially subject to serious sanctions as are other academic, honor code, and conduct code offenses.** Do not consult others on the final work product you turn in. If you have any questions regarding the Honor Code, Code of Conduct or either’s application, consult me. The following guidance may also be helpful:

- What you may do: You may discuss writing and charting assignments with other students, which includes discussing issues, research, and analysis. You may consult teaching assistants, librarians, and me for questions about assignments and Interactive Citation Workstation exercises. You may sometimes consult teaching assistants and Taylor Mattis Fellows about other matters, and you may always ask me any questions you may have.

- What you may not do: You may not turn in work that is not your own. You may not collaborate during the charting or writing process, and you may not read the written work of another student or permit another student to read your written work. The written product must be your own work; you may not copy another student's work and hand it in as your own. You may not discuss or collaborate on Interactive Citation Workstation exercises or copy any other person's work on those exercises. You may not seek assistance on any written assignment from anyone except me or a teaching assistant, and teaching assistants are neither obligated nor always permitted to provide assistance.

**THIS SYLLABUS IS A LIVING DOCUMENT AND IS
SUBJECT TO CHANGE AT MY
SOLE DISCRETION**

ASSIGNMENTS CHART

ASSIGNMENT	DUE	PTS
Pre-Project 1 – Record Worksheet (L)	TUESDAY, January 17 by the start of class	2
Pre-Project 2 – First Amendment Case Worksheet (L)	Sunday, January 22 by 11:59 p.m.	2
Project 4.1 - First Brief Skeleton Assignment (L)	Sunday, January 22 by 11:59 p.m.	5
FIRST INDIVIDUAL MEETING	By Friday, January 27	2
Project 4.2 - First Amendment Argument Section in Updated Brief Skeleton (L)	Sunday, January 29 by 11:59 p.m.	5
Self-Assessment 1 (L)	Friday, February 3 by 11:59 p.m.	3
Pre-Project 3 - Fourth Amendment Case Worksheet (L)	Sunday, February 5 by 11:59 p.m.	2
SECOND INDIVIDUAL MEETING	By Friday, February 17	2
Project 4.3 - Fourth Amendment Argument Section in Updated Brief Skeleton (L)	Sunday, February 19 by 11:59 p.m.	5
Project 4.4 - Supervising Attorney meeting (F)	By Friday, February 24	8
Self-Assessment 2 (L)	Friday, February 24 by 11:59 p.m.	3
THIRD INDIVIDUAL MEETING	By Friday, Mar. 9	2
Project 4.5 - Full Brief, including Statement of the Case and Summary of the Argument (L)	Sunday, March 19 by 11:59 p.m.	5
Project 4.6 – Final Supreme Court Brief (F)	Friday, April 7 by 4:00 p.m.	40
Project 5 – Oral Argument (F)	By Friday, April 28	10
Professionalism	As applicable	4
TOTAL		100

CLASS ACTIVITIES CHART

Remember to check to see if the reading/assignment list carries over to the next page!!

CLASS	READINGS	ASSIGNMENTS
<p>1 TUES., Jan. 17</p>	<p style="text-align: center;">INTRODUCING THE SUPREME COURT BRIEF: PROBLEM AND PROCESS I</p> <p style="text-align: center;"><i>Start preparing for this week's classes early!</i></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Neumann, Simon & Painter-Thorne, Chapters 27, 34 ✓ Project Four Assignment Memorandum ✓ Video from YouTube: Brian Garner, Interview of Chief Justice Roberts, Part I (excerpted on D2L) ✓ Joint Appendix - <i>Strong v. State of Euphoria</i> (pay very careful attention to the "Order Granting Certiorari" and the "Special Order" on the last few pages of the Joint Appendix) <p>NOTE: Be sure to sign up for your first individual meeting by January 19 at 11:59 p.m.</p>	<p>DUE – TUESDAY, January 17 by the time class begins –</p> <ul style="list-style-type: none"> ✓ Pre-Project 1 - Record Worksheet <p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ What happened in <i>Strong v. State of Euphoria</i> since Fall 2022. ✓ The significance of a "record" in litigation. ✓ The procedural posture of <i>Strong v. State of Euphoria</i>. ✓ The contents of the record in <i>Strong v. State of Euphoria</i>. ✓ The decisions and reasoning of the lower court(s) in <i>Strong v. State of Euphoria</i>. ✓ The Questions Presented to the Supreme Court in <i>Strong v. State of Euphoria</i>. ✓ The assignment embedded in the Order Granting Certiorari and the Special Order.

<p style="text-align: center;">2 THURS., Jan. 19</p>	<p style="text-align: center;">INTRODUCING THE SUPREME COURT BRIEF: PROBLEM AND PROCESS II</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Video: Anatomy of a Supreme Court brief ✓ Joint Appendix - <i>Strong v. State of Euphoria</i> ✓ Supreme Court of the United States rules (effective January 2023) (read rules 24 and 34 carefully) ✓ First Brief Skeleton assignment ✓ Review Bourland brief* ✓ Review Tucker brief* ✓ Review Petitioner’s brief, <i>City of Austin v. Reagan National Advertising*</i> ✓ Review Respondent’s brief, <i>City of Austin v. Reagan National Advertising*</i> <p>* “Review” means to determine the contents of the brief and a sense of the overall structure and arguments. You do not have to read these documents for substance, though it is possible you will ultimately find some of them useful</p> <p>N.B. – Consider all these documents other than the First Brief Skeleton assignment “assigned” for all classes for the rest of the term.</p>	<p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ The purposes/parts of an appellate brief. ✓ The relationships between a Supreme Court brief, an Office Memorandum, trial court motions, and other appellate litigation ✓ The rules that govern the contents of a brief to the Supreme Court of the United States. ✓ The First Brief Skeleton assignment ✓ A document production process for the appellate brief. ✓ The parts our Supreme Court brief “argument” will contain.
---	---	---

<p>FRI., Jan. 20</p>	<p style="text-align: center;">“Brief Skeleton Jam Session” <i>Not required but highly recommended.</i></p> <p>After Mastering Legal Education on Friday, Jan. 20, I will hold a session to demonstrate how to format much of your Brief Skeleton and create the tables, covers, and headers that look nice in Michael’s and Sarah’s Supreme Court briefs.</p> <p>Before the session review (and bring with you):</p> <ul style="list-style-type: none"> ✓ Neumann, Simon & Painter-Thorne, Chapter 34 ✓ First Brief Skeleton assignment ✓ Video: Preparing a Brief Skeleton ✓ Supreme Court of the United States rules (read rules 24 and 34 carefully) ✓ Joint Appendix ✓ Review Bourland brief* ✓ Review Tucker brief* ✓ Review Petitioner’s brief, <i>City of Austin v. Reagan National Advertising*</i> ✓ Review Respondent’s brief, <i>City of Austin v. Reagan National Advertising*</i> <p>* “Review” means to determine the contents of the brief and a sense of the overall structure and arguments. You do not have to read these documents for substance, though it is possible you will ultimately find some of them useful</p> <p>Location TBA.</p>	
------------------------------	---	--

<p style="text-align: center;">3</p> <p>TUES., Jan. 24</p>	<p style="text-align: center;">THE FIRST AMENDMENT ARGUMENT I</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Review your Project 3.2 and feedback you received last term ✓ Neumann, Simon & Painter-Thorne, Chapter 32, 33 ✓ <i>Central Hudson Gas v. Public Service Commission</i> ✓ <i>City of Austin v. Reagan National Advertising</i> ✓ <i>Renton v. Playtime Theatres</i> <p>Note: Refer to the Pre-Project 2 First Amendment Case Worksheet to find the cases listed above.</p>	<p>DUE – SUNDAY, January 22 by 11:59 p.m. –</p> <ul style="list-style-type: none"> ✓ Project 4.1 - First Brief Skeleton Assignment ✓ Pre-Project 2 – First Amendment Case Worksheet <p>DUE – TUESDAY, January 24 by 11:59 p.m. –</p> <ul style="list-style-type: none"> ✓ Sign up for the client you intend to represent in briefing and oral argument this term. <p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ What makes persuasive writing to a court different from objective writing in a memorandum. ✓ What to do when the law you “need” is not well established. ✓ What “commercial speech” is and the nature and extent of its First Amendment protections. ✓ Why the Town of Gilbert’s sign code (<i>Reed</i>) was content based in pertinent part but Austin’s is content neutral? ✓ What “secondary effects” are and how they change First Amendment analysis. ✓ How <i>Central Hudson Gas, Reagan National Advertising</i>, and <i>Renton</i> may change arguments for and in opposition to Euphoria City’s positions.
---	--	---

<p style="text-align: center;">4</p> <p>THURS., Jan. 26</p>	<p style="text-align: center;">THE FIRST AMENDMENT ARGUMENT II</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Neumann, Simon & Painter-Thorne, Chapter 35 ✓ Petitioner’s Brief from <i>City of Austin v. Reagan National Advertising</i> ✓ Respondent’s Brief from <i>City of Austin v. Reagan National Advertising</i>. <p>Note: Internalize both the basic substance and structure of the arguments from the <i>City of Austin v. Reagan National Advertising</i> briefs.</p>	<p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ Translating your Project 3.2 assignment to a Supreme Court brief section. ✓ An appropriate outline for the First Amendment argument. ✓ Narratives for First Amendment arguments that support your client. ✓ Shaping the law and creatively developing the law to support your client’s position. ✓ How to identify and structure affirmative, confirming, and responsive arguments within the parts of the First Amendment argument.
<p style="text-align: center;">5</p> <p>TUES., Jan. 31</p>	<p style="text-align: center;">THE FOURTH AMENDMENT ARGUMENT: DOING RESEARCH I</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Video: The Essential Research Strategy ✓ Pre-Project 3 Assignment Sheet ✓ Video: Interview with Chief Justice Roberts, Part II ✓ Fourth Amendment ✓ Review <i>Katz v. United States</i>, <i>Oliver v. United States</i>, and <i>California v. Greenwood</i> as well as your Project 2.6 memorandum from last term. <p>NOTE: Be sure to sign up for your second individual meeting by Thursday, February 7 at 11:59 p.m.</p>	<p>DUE – <u>SUNDAY, January 29 by 11:59 p.m.</u> –</p> <ul style="list-style-type: none"> ✓ Project 4.2 - First Amendment Argument Section in Updated Brief Skeleton <p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ The arguments from Fall term about whether Strong had a reasonable expectation of privacy in his campsite. ✓ Why “whether a tent is a home” matters to the Fourth Amendment argument. ✓ How to find law to support the argument for or against Mack Strong’s position that the search of his campsite violated the Fourth Amendment. ✓ How to shape an argument for—and against—Mack Strong and whether he had a reasonable expectation of privacy in his campsite.

<p style="text-align: center;">6</p> <p style="text-align: center;">THURS., Feb. 2</p>	<p style="text-align: center;">THE FOURTH AMENDMENT ARGUMENT: DOING RESEARCH II</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Video: The Essential Research Strategy 	<p>DUE – FRIDAY, FEBRUARY 3 by 11:59 p.m. –</p> <ul style="list-style-type: none"> ✓ Self-Assessment 1 <p><i>Please come to class prepared</i> to discuss the following:</p> <ul style="list-style-type: none"> ✓ Finding law to support arguments for and against Mack Strong’s that the search of his campsite violated the Fourth Amendment. ✓ What circumstances influence whether Mack Strong had a reasonable expectation of privacy in his tent.
<p style="text-align: center;">7</p> <p style="text-align: center;">TUES., Feb. 7</p>	<p style="text-align: center;">SO . . . IS A TENT A HOME OR NOT???</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ All the cases you found in your research about whether “a tent is a home.” ✓ Sections from the motions and opinions in the Joint Appendix about whether a defendant has a reasonable expectation of privacy in a tent in a public park. 	<p>DUE – SUNDAY, FEBRUARY 5 by 11:59 p.m. –</p> <ul style="list-style-type: none"> ✓ Pre-Project 3 - Fourth Amendment Case Worksheet <p><i>Please come to class prepared</i> to discuss the following:</p> <ul style="list-style-type: none"> ✓ Authorities you have found that support —or not—an argument that Mack Strong had a reasonable expectation of privacy in his tent. ✓ What facts and reasoning determine whether a defendant has or does not have a reasonable expectation of privacy in a tent or analogous circumstance. ✓ The structure and substance of the synthesized law applicable to whether Mack Strong had a reasonable expectation of privacy in his tent. ✓ The facts in Mack Strong’s case relevant to whether he had a reasonable expectation of privacy in his tent. ✓ “Should” society accept any expectation Mack Strong may have had as reasonable or how “policy” arguments on both sides can improve or challenge your argument.

<p style="text-align: center;">8 THURS., Feb. 9</p>	<p style="text-align: center;">PREPARING FOR THE SUPERVISING ATTORNEY MEETING</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Video: Preparing for the Supervising Attorney Meeting ✓ Project 4.4 Assignment Sheet (the same as for Project 4.3) ✓ Elizabeth Inglehart, <i>Presenting Your Legal Research to a Partner: A Guide for Summer Associates and Young Associates, Parts I and II</i> 	<p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ What to expect in the Supervising Attorney meeting. ✓ What will the Supervising Attorney expect you to know. ✓ What questions will and should the Supervising Attorney ask. ✓ How to prepare with your oral argument partner for the meeting. ✓ How to dress and present yourself in the meeting.
<p style="text-align: center;">9 TUES., Feb. 14</p>	<p style="text-align: center;">CONSTRUCTING THE FOURTH AMENDMENT ARGUMENT I</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Review <i>Katz v. United States, Oliver v. United States, and California v. Greenwood</i> ✓ Review all the cases you found in your research about whether a tent is a home. 	<p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ How the structure of the Fourth Amendment law creates a structure for the Fourth Amendment argument. ✓ Where <i>Katz, Oliver, and Greenwood</i> fit in. ✓ Facts relevant to the Fourth Amendment issues, especially “tent as a home.” ✓ The contents of an inverted pyramid for the Fourth Amendment argument section of our brief. ✓ The best affirmative and confirming arguments for both Mack Strong and Euphoria City on the Fourth Amendment issues. ✓ The best responses for both Mack Strong and Euphoria City to the other side’s arguments.

<p>10 THURS., Feb. 16</p>	<p style="text-align: center;">CONSTRUCTING THE FOURTH AMENDMENT ARGUMENT II</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Neumann, Simon & Painter-Thorne, Chapter 23 ✓ Review <i>Katz v. United States</i>, <i>Oliver v. United States</i>, and <i>California v. Greenwood</i> ✓ Bluebook, bluepages, introduction and rule B1; and whitepages rules 1.2, 1.5, 10.6, 10.7. <p>Feel free to review our citation video from Fall, especially about signals and parentheticals, which in the Citation Resources module on D2L.</p>	<p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ Expressing analogical reasoning to support your points in the Fourth Amendment argument section ✓ “Persuasive” citation techniques using signals and parentheticals to help communicate analogical reasoning and other persuasive points.
<p>11 TUES., Feb. 21</p>	<p style="text-align: center;">THIS WEEK: PROJECT 4.4 SUPERVISING ATTORNEY MEETINGS</p> <p style="text-align: center;">TELLING THE CLIENT’S STORY</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Neumann, Simon & Painter-Thorne, Chapter 30 ✓ Bourland Brief, Statement of the Case ✓ Tucker Brief, Statement of the Case <p>NOTE: Be sure to sign up for your third individual meeting by Thursday, February 23 at 11:59 p.m.</p>	<p><u>DUE – SUNDAY, February 19 by 11:59 p.m. –</u></p> <ul style="list-style-type: none"> ✓ Project 4.3 - Fourth Amendment Argument Section in Updated Brief Skeleton <p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ How two people can see two different “stories” in the same events. ✓ Framing the client’s story in the brief in terms of “victims” and “villains.” ✓ Framing the discourse of the brief in a “labels” and “soundbites.” ✓ The relationship between the client’s “story” and the law. ✓ Finding the “story” in the law and expressing it persuasively on the client’s behalf. ✓ Opportunities an appellate brief presents to tell the client’s story to improve the client’s legal position in the Argument and other sections.

<p style="text-align: center;">12</p> <p>THURS., Feb. 23</p>	<p style="text-align: center;">THIS WEEK: PROJECT 4.4 SUPERVISING ATTORNEY MEETINGS</p> <p style="text-align: center;">STATEMENT OF THE CASE and SUMMARY OF THE ARGUMENT</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Neumann, Simon & Painter-Thorne, Chapter 29, 31 ✓ Supreme Court Rule 24 ✓ Joint Appendix 	<p>DUE – FRIDAY, February 24 by 11:59 p.m. –</p> <p>✓ Self-Assessment 2</p> <p><i>Please come to class prepared</i> to discuss the following:</p> <ul style="list-style-type: none"> ✓ The purpose and structure of the Statement of the Case. ✓ The roles of background facts, relevant facts, and procedural facts in the Statement of the Case. ✓ Appropriate contents and persuasive tone in the “Statement of the Case.” ✓ Mack Strong’s and the Euphoria City’s “stories” as to the First and Fourth Amendment issues. ✓ How the Statement of Need as legislative history helps both sides tell their stories. ✓ Correct “procedural facts” to include in the Statement of the Case and where to find them. ✓ What to include in the Summary of the Argument. ✓ What to include in the Conclusion.
---	---	---

<p>13 TUES., Feb. 28</p>	<p>REFINING YOUR ARGUMENT SECTION</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ No new readings 	<p><i>Please come to class prepared</i> to discuss the following:</p> <ul style="list-style-type: none"> ✓ Connections between the structure of the law, the major parts of the argument, the content of the argument headers, and the Table of Contents. ✓ Preparing the inverted pyramid for the argument as a whole and inverted pyramids for each major section. ✓ Crafting effective, full-sentence headers that state a conclusion from application of law to fact or another persuasive announcement of the section’s content. ✓ Using and drafting roadmaps to help the reader follow the structure of the argument and context for individual points. ✓ Connecting headers to the Table of Contents to produce an effective “introduction” to your argument.
<p>14 THURS., Mar. 2</p>	<p>ANTICIPATING AND RESPONDING TO YOUR OPPONENT’S ARGUMENTS</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Bluebook, bluepages, introduction and rule B1; and whitepages rules 1.2, 1.5, 10.6, 10.7. <p>Feel free to review our citation video from Fall, especially about signals and parentheticals, which in the Citation Resources module on D2L.</p>	<p><i>Please come to class prepared</i> to discuss the following:</p> <ul style="list-style-type: none"> ✓ Distinguishing and devaluing authority to undermine your opponent’s argument and support your own. ✓ Anticipating your opponent’s arguments to undermine them without making your opponent’s arguments in the process. ✓ Using citation, especially signals, explanatory parentheticals and other parentheticals to make persuasive points.
<p>Week of Mar. 5</p>	<p>NO CLASS!! Mid-Term Examinations</p>	
<p>Week of Mar. 12</p>	<p>NO CLASS!! Spring Break</p>	

<p>15 TUES., Mar. 21</p>	<p style="text-align: center;">COMPLETION PLANNING</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ No new reading. 	<p>DUE – SUNDAY, March 19 by 11:59 p.m. –</p> <ul style="list-style-type: none"> ✓ Project 4.5 - Full Brief, including Statement of the Case and Summary of the Argument <p><i>Please come to class prepared</i> to discuss the following:</p> <ul style="list-style-type: none"> ✓ What you learned about what you still need to do to finalize your Supreme Court Brief from your Supervising Attorney Meeting and written feedback. ✓ Developing a completion plan with an appropriate “to-do” list and time to complete it. ✓ The difference between revising and editing and strategies for each. ✓ Using possible oral argument questions to uncover potential gaps in your argument and ways to make your brief more persuasive.
<p>16 THURS., Mar. 23</p>	<p style="text-align: center;">ANTICIPATING AND RESPONDING TO YOUR OPPONENT’S ARGUMENTS II</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Bring your Bluebook to class!! <p>Feel free to review our citation video from Fall, especially about signals and parentheticals, which in the Citation Resources module on D2L.</p>	<p><i>Please come to class prepared</i> to discuss the following:</p> <ul style="list-style-type: none"> ✓ Using possible oral argument questions to uncover potential gaps in your argument and ways to make your brief more persuasive. ✓ Using advanced citation techniques such as signals and parentheticals to keep the argument prose clean and to the point, add useful information, and enhance persuasiveness.

<p>17 TUES., Mar. 28</p>	<p style="text-align: center;">REVISING THE BRIEF</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Neumann, Simon & Painter-Thorne, Chapter 21, 22 ✓ Review Video: Active Voice and Directness, Part I (from Fall) ✓ Video: Active Voice and directness, Part II 	<p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ Effective paragraph and individual argument structures. ✓ Effective topic sentences for each paragraph. ✓ Sentence structure to maximize the substance the sentence conveys. ✓ Maximizing the power of verbs, including by eliminating passive voice and nominalizations.
<p>18 THURS., Mar. 30</p>	<p style="text-align: center;">PRECISION EDITING</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ No new reading. 	<p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ Outstanding issues related to finalizing the brief. ✓ Getting the form correct: making sure your cover and tables are in tip-top “full brief form.” ✓ Using checklists to make sure writing, grammar, citation, and spacing are in tip-top shape. ✓ Key writing and editing snafus – resolved!
<p>19 TUES., Apr. 4</p>	<p style="text-align: center;">INTRODUCTION TO ORAL ARGUMENT</p> <p><u>Readings:</u></p> <p>I will provide you with the precise oral argument excerpts I expect you to watch/listen to prior to class.</p> <ul style="list-style-type: none"> ✓ Supreme Court Rule 28 ✓ Neumann, Simon & Painter-Thorne, Chapter 39 ✓ <i>Nervous About Your 1L Oral Argument?</i> ✓ Koh, <i>Ten Lessons About Appellate Oral Argument</i> ✓ Oral Argument excerpts: <i>Reed v. Town of Gilbert</i> ✓ Oral Argument excerpts: <i>City of Austin v. Reagan National Advertising</i> ✓ Oral Argument excerpts: <i>Manzari v. Associated Newspapers</i> 	<p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ The purposes and advocacy opportunities in oral argument. ✓ The structure and forms of oral arguments. ✓ Where lawyers and judges stand and conduct themselves during oral argument. ✓ How your brief connects to your oral argument. ✓ The etiquette of oral argument. ✓ What not to do in oral argument.

<p style="text-align: center;">20 THURS., Apr. 6</p>	<p style="text-align: center;">THE ORAL ARGUMENT INTRODUCTION and “ROADMAP”</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ PowerPoint presentation: Oral Argument Introduction Script ✓ Lebovits, <i>Winning the Moot Court Oral Argument</i>, Part IV ✓ Oral Argument excerpts – see audio and video clips on D2L <p>Note: I will provide you with the precise oral argument excerpts I expect you to watch/listen to prior to class.</p>	<p>DUE – FRIDAY, April 7 by 4:00 p.m. –</p> <ul style="list-style-type: none"> ✓ Project 4.6 – Final Supreme Court Brief <p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ The purpose of the oral argument introduction and roadmap. ✓ The relationship between your oral argument roadmap and roadmaps in your Supreme Court brief. ✓ Developing a “script” for your oral argument roadmap. ✓ Enhancing the “persuasiveness” of your oral argument introduction and roadmap with soundbites and themes.
<p style="text-align: center;">21 TUES., Apr. 11</p>	<p style="text-align: center;">THE BODY OF THE ORAL ARGUMENT and REBUTTAL</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Broda-Bahm, <i>Practice The Three Ps of Oral Argument</i> ✓ Lebovits, <i>Winning the Moot Court Oral Argument</i>, Parts II, III, V, VII, VIII ✓ Oral Argument: <i>Right Field Rooftops v. Chicago Cubs Baseball Club</i> 	<p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ The purpose of the body of the oral argument. ✓ The relationship between the body of the oral argument and your Supreme Court brief. ✓ Preparing the body of the oral argument with an eye toward how you will answer questions. ✓ The need to “flow” between your prepared argument and answers to questions or “prepare-prioritize-pivot.” ✓ Referring to precedent and the record in your oral argument. ✓ Making both affirmative and responsive arguments within the body of the oral argument.

<p>22 THURS., Apr. 13</p>	<p>ANSWERING QUESTIONS IN ORAL ARGUMENT</p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> ✓ Oral Argument excerpts – see audio and video clips on D2L ✓ Broda-Bahm, <i>Practice The Three Ps of Oral Argument</i> ✓ Edelstein, <i>Tips for Mastering Your Answers in Oral Argument</i> ✓ Lebovits, <i>Winning the Moot Court Oral Argument</i>, Part VI 	<p><u>Please come to class prepared</u> to discuss the following:</p> <ul style="list-style-type: none"> ✓ The purpose and advocacy opportunities of oral argument questions from the bench. ✓ The “prepare-prioritize-pivot” process for answering questions and returning to your argument. ✓ Using CRAC structures in your oral argument question answers. ✓ How oral argument questioning is less about your argument than it is about your opponent’s argument. ✓ How judges “use” oral argument questions and interchanges with attorneys.
<p>Week of Apr. 17</p>	<p>Oral Argument practice rounds - no class! Attend your assigned oral argument practice round</p>	
<p>Week of Apr. 24</p>	<p>ORAL ARGUMENTS - no class! Project 5 Attend your assigned oral argument</p>	