

Lawyering Skills (Section 2)
Spring 2023

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Syllabus & Course Outline

Course Overview:

Lawyering Skills II is a continuation of the process of helping students learn the basic skills that all attorneys use in the practice of law. As I indicated last semester, research, writing, and analysis are staples of the legal profession. They represent the basic skills that attorneys perform throughout their careers. You will develop an ability to identify legal issues from a given set of facts, research and analyze those issues, and to share your knowledge with others in the legal profession in a manner that is widely used by attorneys. In this course, you will complete three major writings as well as several exercises (some graded and some ungraded) that will sharpen your research, writing, and analysis as a lawyer-in-training.

You will also be enrolled in Legal Research this semester and, even though that course meets separately from Lawyering Skills, the two courses are paired, and both your Legal Research Professor (Professor Douglas Lind) and I are working collaboratively to ensure that you develop all of the skills necessary to research and write as lawyers do every day.

Learning Objectives:

Students who successfully complete this course should be able to complete the following tasks (some objectives are courtesy of Professor George Mader):

- Students will learn to identify sources of primary law and common secondary sources.
- Students will recognize the recursive and analytical nature of the legal research process, as it affects one's writing; understand the importance of both law and facts when researching and writing; and understand the mechanics and importance of updating one's research.
- Students will learn the importance of both law and facts in legal analysis, learn to support an argument with appropriate legal authority and logic, and recognize and use various kinds of legal reasoning.
- Students will learn to respect a legal reader's needs by using the conventions that lawyers use to organize a document and learn to establish credibility through attention to detail.
- Students will learn to communicate complex legal analysis in clear prose.

- Students will draft a trial memorandum, discovery documents, and appellate brief, and they will participate in two oral arguments.
- Students will be able to critique structures of power and institutions from the standpoint of embedded privilege and social norms.
- Students will be able to identify and critically reflect upon the various aspects of one's identity.
- Students will be able to apply one's self-awareness of their biases to enact strategies to respond to unconscious and conscious biases.
- 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* (4th ed. 2019) (“N”)
 The Uniform System of Citation (*The Bluebook*), 21st ed. (“B”)

Recommended Text:

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

Attendance:

Our class meets twice a week on Tuesday and Thursday mornings. As specified in the Rules of the Southern Illinois University School of Law, “regular attendance to class meetings in all courses is expected and required of all students in accordance with the rule to be announced by the professor at the beginning of each course. Attendance will be taken in class and attendance records will be kept. Violation of this rule shall subject the student to penalties”

It is your responsibility to ensure that you sign the attendance sheet during class. You should also note that the School of Law Honor Code states that it is academic misconduct to sign another student's name to an attendance sheet for a class that the other student did not attend. Students may have no more than a maximum of four absences (partial or total) for any reason (other than jury duty, the student's hospitalization, religious observances, birth or adoption of the student's child, or a death in the student's immediate family – any of which shall be proven by documentation). Students with more than four absences will be referred to the Associate Dean and will be given the lowest possible grade – a failing grade – for the course.

Office Hours:

My door is always open to you, and I am available to meet with you anytime I am in the building; however, I have set aside Fridays from 10:30am to noon just for the purpose of meeting with 1L students. I'm also available to meet with students by appointment. We can meet in person or via Zoom. Please arrange to meet with me during my office hours or suggest another time if my office hours are not convenient for you.

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/>.

Saluki Cares:

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/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at judiray@siu.edu, or call 618- 453-3135.

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:

January 31	Discovery Documents are due (4:30pm deadline)
February 9	Response to Discovery Documents are due (in-class deadline)
February 21	Trial Memorandum of Law is due (4:30pm deadline)
April 7	Appellate Brief is due (4:30pm deadline)

In addition to the major writing assignments, you will be required to participate in two oral arguments, one following the submission of your trial memorandum and the second following your appellate brief. You will argue against a classmate in the Courtroom, and you will be expected to appear in courtroom attire for both arguments.

Class Recording:

For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance, and for students who wish to review a particular class to better facilitate comprehension of the learning objectives, it is my hope that class sessions will be recorded and made available for viewing. I will post the class PowerPoint slides each week to TWEN.

Grading/Scoring of Assignments:

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

- **Discovery Documents (30 points)** Your first graded assignment will be to draft a set of Interrogatories in a civil action. In addition, you will receive a set of Interrogatories from one of your classmates, and you will have to draft a response to those Interrogatories.
- **Trial Memorandum of Law (50 points)** You will be expected to draft a memorandum of law in support of or in opposition to a Motion to Compel Discovery in the case of *Zuccoli v. Primo*. The memorandum of law must be typed, double-spaced, in 12-point (or equivalent) font, with one-inch margins. The memo may not exceed 10 double-spaced pages in length (not including the caption or certificate of service). If you turn in a longer document, I will stop reading (and grading) at the end of page 10.
- **Appellate Brief (100 points)** The final paper in this course will be an appellate brief. This exercise will take place in the United States District Court for the Southern District of Illinois (a real jurisdiction) and your appeal will go to the U.S. Court of Appeals for the 7th Circuit. The form and format of your brief will be informed by the Federal Rules of Appellate Procedure and the Circuit Rules for the U.S. Court of Appeals.
- **Oral Argument (trial memorandum) (5 points)** You will appear before a trial judge (played by one of our TAs) and argue for or against the Motion for to Compel Discovery in the case of *Zuccoli v. Primo*. The oral arguments will be limited to 5 minutes per side, with no rebuttal time available.
- **Oral Argument (appellate brief) (15 points)** You will appear before a three-judge appellate panel of judges and argue in support of or in opposition to an appeal that will be provided to you later in the course. The oral arguments will be limited to 15 minutes per side, with rebuttal time available for the party bringing the appeal.

An important note about late papers: Each assignment has a prescribed submission date and time. The Rubric for each assignment will indicate the initial point deduction that will be taken if a paper is turned in late; that deduction is automatic, regardless of the circumstances. In addition, a 10% reduction in score will occur if you turn in your paper more than one hour past the announced due-date and time; a 25% reduction in score will occur if you turn in your paper more than 3 hours past the announced due-date and time; a 50% reduction in score will occur if you

turn in your paper more than 5 hours past the announced due-date and time; and you will receive a score of “0” if more than 12 hours have passed since the announced due-date and time.

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. 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.

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>

Covid-19 Information:

SIUC’s policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC’s COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to pandemicinfor@siu.edu.

Assignments:

Week #1

January 17: N: pp. 215-227; 331-341 and review the checklist at <https://www.law.cuny.edu/legal-writing/students/court-brief/court-brief-3>.
B: Rule 10.3.3 (pp. 104-105)

January 19: N: pp. 231-247 and Exercise 31-C
B: Public Domain Citation format (*See, e.g.,* p. 255)

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

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

The Discovery-Drafting Exercise will be assigned today. It is due no later than 4:30pm on January 31.

Week #2:

January 24: N: no reading
B: no reading

Please read “What is Discovery?” located at: <https://www.hg.org/legal-articles/what-is-discovery-in-a-civil-case-30930>. During class, we will work on drafting and responding to Interrogatories (one form of Discovery).

January 26: N: Exercises 31-A and 31-B on pp. 246-47 and read Federal Rules of Civil Procedure, Rule 11
B: no reading

The Trial Memorandum will be assigned today. It is due no later than 4:30pm on February 21.

Week #3

January 31: N: no reading
B: no reading

During class, we will discuss Motions to Compel Discovery pursuant to Federal Rules of Civil Procedure, Rule 37(a). Reading material will be provided to you in advance of the class meeting.

The Interrogatories are due today at 4:30pm. A copy should also be emailed to opposing counsel, and both parties are required to respond to the Interrogatories that they received no later than the start of class on February 9.

February 2: N: pp. 251-270 and prepare Exercise 33-A
B: no reading

Week #4

February 7: N: pp. 17-25 and prepare Exercise 3-A
B: B Rule 16

February 9: N: pp. 69-78; 153-157
B: no reading

Your Responses to the Interrogatories that you received from your classmate are due at the start of class today. You must also email a copy of your Response to the classmate who forwarded Interrogatories to you.

Week #5

February 14: N: pp. 275-284; 343-356
B: no reading

February 16: N: pp. 285-305
B: no reading

Week #6

February 21 N: pp. 177-186; 189-198 and prepare Exercise 23-A
B: pp. 83-87

The Trial Memorandum is due today at 4:30pm. A copy should be emailed to opposing counsel today.

February 23: In-Class Citation Exercise

The Appellate Brief is assigned today. It is due at 4:30pm on April 7, and you must submit 3 copies. A copy should also be placed in opposing counsel's mailbox on the first floor.

Week #7 February 28 and March 2

5-minute oral arguments will take place this week. A schedule will be posted on Professor Alexander's door.

Week #8

March 7: N: pp. 107-111; 145-151
B: no reading

March 9: **Anatomy of a Civil Action and Access-to-Justice Day**

Spring Break **March 14 and March 16**

Week #9:

March 21: **Self-Directed Research and Writing Day**

March 23: **Local Rules**

Week #10

March 28: **In-Class Editing Exercise**

March 30: **Self-Directed Research and Writing Day**

Week #11

April 4: N: pp. 177-181; 189-198; 305-307 and prepare Exercise 23-A
B: pp. 83-87

April 6: **Last-Minute Advice and Assistance**

April 7: **Three copies of the Appellate Brief are due at 4:30pm today. You should also place a fourth copy of your brief in your opponent's mailbox on the first floor.**

Week #12

April 11: N: pp. 309-317
B: Blue Rules 10.2 and 12.2

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

April 13: N: no reading
B: Inside Front Cover (Law Review Writing)

Week #13

April 18: **Appellate Practice & Shepherdizing and/or Key Citing**

April 20: N: no reading
B: no reading

Week #14

April 25: **Appellate Oral Arguments will take place this week.**

April 27: **Appellate Oral Arguments will take place this week.**