

**SYLLABUS
LAWYERING SKILLS II
LEGAL WRITING SECTION 4
Sheila Simon
Spring, 2024**

Professor:

Sheila Simon, ssimon@siu.edu
Room 228
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Teaching Assistants:

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Cynthia Heisner, heisner@siu.edu

Class Sessions:

Tuesdays and Thursdays
11:00 to 12:00
Room 206

What you can expect to learn: During this semester you will learn some of the foundational skills of the legal profession. These skills will be needed as soon as this summer, and for your career to come. Among other things, you will

- build on skills and knowledge developed in the fall to understand and use statutory and case law
- apply the structure of legal writing to an advocacy format
- advocate for your client in person
- write persuasive legal documents including a trial and appellate brief
- learn the importance of professionalism and professional standards
- see where biases can impact justice

Required texts:

Richard Neumann, Jr., Sheila Simon, and Suzianne Painter-Thorne, *Legal Writing* (5th ed., Wolters Kluwer 2015). ISBN 978-1-4548-3097-9. The 4th edition will work too.

The Bluebook: A Uniform System of Citation (20th ed. 2015). ISBN 978-0-692-40019-7

Class meetings: We will generally meet at the scheduled times, but sometimes this semester we will meet with other writing classes, or meet separately with only the people on one side of the case or another. Some class sessions will not be held in order to meet individually on drafts.

Attendance: Be here. Participate. I work to make sure each class session is valuable. You are allowed up to four absences for any reason, without penalty. For each absence over four, I will deduct 3 tenths of a point, out of the final grade on the 4.0 scale. No deadlines will be extended based solely on your 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.

Office hours: I am in my office a lot. (Nerd alert!) Stop by any time, no appointment is necessary. If it works better for you to make an appointment in advance, please do so. You can also email me or call me on my cell, 618 967-2062. There is no limit on the number of questions you can ask or how often you can stop by, email, or phone.

Assignments: You will write two documents on behalf of your client. The first will be a trial memo in support of or in opposition to a motion. The second will be an appellate brief. Each assignment will have a word limit that will be strictly enforced.

Grades: The number of points you can earn on each assignment is:

- | | |
|---|-----------|
| • research plan and working list of sources, due February 1 | 5 points |
| • trial memo, due February 9 | 25 points |
| • trial argument | 5 points |
| • research plan and skeleton of appellate brief, due March 28 | 10 points |
| • appellate brief, due April 12 | 50 points |
| • oral argument | 5 points |

Your grade will be calculated after applying the required mean and required grade distribution.

Deadlines: As lawyers we work with deadlines, whether they are imposed by the law, the court, our employers, or our clients. In this class our deadlines will be like court-imposed deadlines, set by someone with total authority (me!), and extended only with prior approval. So, if you are just about to have a baby I might extend a deadline, and everyone else better plan to have papers in on time. I will critique papers submitted after a deadline, but the grade will be zero for that assignment.

Plagiarism: Your writing must be your own, and when you use ideas of others you must give credit to the others through appropriate citation. You can discuss your work with your classmates, but not with people outside your student colleagues. Here are some examples:

Yes, you can:

do research with a classmate
discuss your strategy with a classmate
use someone else's ideas, with citations
proofread until your eyes pop
use spell check and grammar services

No, you can't:

do research with your grandma
discuss your research with a stranger online
use some else's ideas as if they were yours
have anyone else proofread your paper
use any source other than you to write

We'll talk about this more in class, and you can always ask questions. Don't let this trip you up.

Recording class sessions: Our classes will be recorded and posted on D2L. Keep in Mind that the quality of the recordings is horrible, and they don't pick up much of what is said by your colleagues. So if you have to miss class, have a friend take notes for you.

Workload expectations: Even if you haven't thought about this, the American Bar Association has! The ABA's standard for accrediting law school has a formula for calculating the amount of work that is expected to go into one credit hour. According to the ABA, one credit hour is earned through "not less than one hour of classroom or direct faculty instruction per week and two hours of out-of-class student work per week for 15 weeks, or the equivalent amount of work over a different time." Our course is a two-credit hour course, so the ABA is expecting you will spend an average of six hours on this class each week. This seems like a pretty smart plan. Know that there will be times when you need to reserve lots of time for writing and other times that are a little slack. Budget appropriately.

Yikes! Stress! The University and the School of Law recognize that there are lots of potential stressors in your life. Here is some information on a campus-wide effort to be there to support you: 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 Angela Upchurch (aupchurch@siu.edu or (618) 536-8314) is available at the School of Law 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.

Disabilities: I want everyone in this class to succeed. If a disability is challenging you, here is some information about how to seek accommodations: 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.

Tornado much? 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/>.

Are you safe? 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>

Course schedule:

This is the anticipated schedule for the semester. Things could change, so be ready to roll with it.

Week 1

January 16 & 18

Introduction to persuasion –at last!

Read Neumann chapter 27

Quick review, Neumann chapters 11 & 12

In-class work product: making an argument in person

Week 2

January 23 & 25

Introduction to persuasive legal writing

Read Neumann chapters 28 & 32

Quick review, Neumann chapters 17 & 18, appendix C: motion memo

In-class work product: small scale persuasive writing

Week 3

January 30 & February 1

Using facts in persuasion

Read Neumann chapters 29, 30 & 31

Quick review Neumann chapter 23 and Bluebook pages 1-28

Turn in: research plan and working list of sources February 1 by 11:00am

Week 4

No class sessions

Individual conferences on drafts of trial memos

Turn in: trial memo by February 9 at 4pm

Week 5

February 13 & 15

motion arguments

Week 6

February 20 & 23

Jury instructions

In-class work product: jury instructions

Week 7

February 27 & 29

The trial, and launching the appeal

Read Neumann chapters 34 & 35

Quick scan of appendix D: appellate brief

Week 8

Midterm week – no classes!

Week 9

Spring break – no classes!

Week 10

March 19 & 21

Standards of review and questions presented

Read Neumann chapters 36 & 37

In-class work product: drafts of statements on the standard of review and the questions presented

Week 11

March 26 & 28

Handling policy arguments and opponents' best shots

Read Neumann chapter 38

Turn in: research plan and skeleton of appellate brief by March 28, 11:00am

Week 12

April 1-5

No class sessions

Conferences on briefs

Week 13

April 9 & 11

Introduction to oral arguments

Read Neumann chapter 39

Turn in: appellate brief by 4pm, April 12

Week 14

Practice oral arguments

Week 15

Graded oral arguments

Syllabus Attachment

Spring 2024

MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIUC embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

IMPORTANT DATES:

Semester Classes Begin:	01/16/2024
Last day to add full-term course (without Dean's signature):	01/21/2024
Last day to withdraw from the University with a full refund:	01/26/2024
Last day to drop a full-term course for a credit/refund:	01/28/2024
Last day to drop a full-term course (W grade, no refund):	03/31/2024
Final examinations:	05/06/2024–05/10/2024

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>

SPRING SEMESTER HOLIDAYS:

Martin Luther King, Jr.'s Birthday 01/15/2024
Spring Break 03/09/24-03/17/24
Total Solar Eclipse (classes cancelled) 04/08/24

DIVERSITY: Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <http://diversity.siu.edu>. Additional information: <http://diversity.siu.edu>.

DISABILITY SUPPORT SERVICES: SIUC 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 <https://disabilityservices.siu.edu>. You may request accommodations at any time, but timely requests help to insure 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.

MILITARY COMMUNITY: There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

STUDENT MULTICULTURAL RESOURCE CENTER: The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at <https://smrc.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, SIUC 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: Call (618) 453-2461, email siucares@siu.edu, or <http://salukicare.siu.edu/>.

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>.

SIUC COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS): Mental health counseling services are available by calling CAPS at (618) 453-5371. CAPS offers confidential same-day services and ongoing counseling. For after hours crisis care, students are encouraged to call 988, 911, or present to their nearest emergency room.

WITHDRAWAL POLICY (Undergraduate Only): Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIUC visit: <http://registrar.siu.edu/students/withdrawal.php>.

SIUC'S EARLY WARNING INTERVENTION PROGRAM (EWIP): Students enrolled in courses participating in SIUC's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the University Core Curriculum's Overview webpage: <https://corecurriculum.siu.edu/for-faculty/>.

EMERGENCY PROCEDURES: We ask that you become familiar with Emergency Preparedness at SIUC. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness at SIUC website, and through text and email alerts. To register for alerts visit: <http://emergency.siu.edu/>.

CATALOGS:

catalog.siu.edu
gradcatalog.siu.edu - Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

CENTER FOR LEARNING AND SUPPORT SERVICES:

Tutoring: <https://cls.siu.edu/>
Math Labs: <http://math.siu.edu/courses/course-help.php>

WRITING CENTER: <http://write.siu.edu/>

PLAGIARISM: See the Student Conduct Code: <http://scr.siu.edu/student-conduct-code/>

INCOMPLETE POLICY (Undergraduate Only): <http://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY: <http://registrar.siu.edu/students/repeatclasses.php>

MORRIS LIBRARY HOURS: <https://libcal.lib.siu.edu/hours/>

ADVISEMENT: <http://advisement.siu.edu/>

SIUC ONLINE: <https://online.siu.edu/>