

**AS OF JANUARY 3, 2024**

**SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW**

**Lawyering Skills: Legal Writing II**

**Spring 2024**

Professor Jennifer E. Spreng

Contact:

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Lesar Law Building Room 212

Class Logistics:

Mondays 1:30 p.m. – 2:30 p.m.  
Wednesdays 1:30 p.m. – 2:30 p.m.

Office hours:

Mondays and Wednesdays at 2:30-3:30 p.m.  
I am 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 and 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 citation and resources typical of law practice, improve your work product with feedback from many sources, learn our profession’s standards, and receive extensive mentoring, all while simulating client representation experiences!

This term, we are in court . . . that is, the United States Supreme Court! Colleagues have litigated *United States v. Cho* through the state courts, and now the Supreme Court has issued its “writ of certiorari” and will hear the case. Your primary assignment is to write the Supreme Court Brief for your chosen client. You will also work with a partner to brief your Supervising Attorney and argue for your client before the Supreme Court!

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.** You will learn to:

- Think, act and communicate like a lawyer.
- Identify legal issues in more advanced legal problems and devise effective strategies for solving those problems.
- Comprehend and analyze case, statutory, and other appropriate primary and secondary legal authorities.
- Synthesize law from case, statutory, and other appropriate primary and secondary authority.
- Apply critical thinking skills to legal authorities and their application to facts to solve legal problems.
- Communicate legal reasoning and advantageous solutions to legal problems effectively in persuasive written and oral advocacy.
- Use legal reasoning effectively when explaining research product and legal arguments to a supervising attorney.
- Use style manuals and other feedback to improve grammar and sentence structure in legal writing.
- Use citation manuals to craft correct citation forms for legal and other authorities necessary for excellent persuasive advocacy.
- Nurture a developing sense of professional identity in the context of simulated client representation.
- Appreciate how the cultural backgrounds or attributes of the course clients or witnesses 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) – if you do not have a copy of this book, it is now available online. Start here and if you have trouble, let me know:

<https://law.utexas.edu/publications/books/manual-on-usage-and-style-mous/>

- Video created for this course and other supplementary materials available on D2L.
- Copies of the *Cho v. United States* record, written court briefs, oral argument recordings, and other supplementary materials 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 in Lawyering Skills: Legal Writing. 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
<b>TOTAL</b>	<b>100</b>

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 scheduled meeting.

Of course, I welcome opportunities to meet with you at other times in-person or on Zoom about Legal Writing 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. Class Preparation. **Every few weeks, I will post upcoming reading and other class preparation activities on our course management system, Desire2Learn (D2L)**. You will find a module for each class period in the content section that contains a list of all readings, the Class Preparation Quiz and the Admit Slip, as applicable. Posting periodically will allow us to take a little more or a little less time on appropriate topics without changing the syllabus or D2L site. I will try to keep up with a sufficiently timely schedule so that you can stay ahead in your reading in case we are especially efficient in covering some materials, which is wise to make sure you are always fully prepared for class. Just make sure that you review the materials for each class you are attending ahead of time and take note of indications on D2L that we may spend a little more or a little less than one class period on any given set of class materials.

6. 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.

7. 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.**

8. Teaching Assistants in Legal Writing. Teaching Assistants are 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:

- Michael Hall (michael.a.hall@siu.edu) (Senior Teaching Assistant)
- Allison Cozart (allison.cozart@siu.edu)
- Haley Spiewak (haley.spiewak@siu.edu)
- Caitlin Tippy (caitlin.tippy@siu.edu)
- Jessica Visage (jessica.visage@siu.edu)

All were outstanding performers in Lawyering Skills: Legal Writing in either 2021-22 or 2022-23. 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.

9. 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.



10. Law School Honor Code, University Code of Conduct and assistance from other persons or artificial intelligence tools on class assignments. 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, including work produced in whole or in part with artificial intelligence, 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 or obtain written materials from any other person on any work product you turn in, including other lawyers, other students, *or any artificial intelligence tool such as ChatGPT*, unless I give you permission. You may always consult our course teaching assistants or I for help on assignments.

If you violate the policy stated above, you will receive a failing grade on that assignment. You also may be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners for any state where you apply for membership, even if you are cleared of any violation, **which may put your eventual bar membership in jeopardy.**

If you have any questions regarding the Honor Code, Code of Conduct or either's application to any of your activities in this class or anything related to this policy, 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 discuss or read case or other questionnaires (usually the first part of all numbered projects). You may not collaborate during the charting or writing process, except to the extent that you are partnered with another student, and **you may not read the written work of**

**another student or permit another student to read your written work until after both of you have turned in the work in.** 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
<b>Pre-Project 1</b> – Record Worksheet (L)	<b>WEDNESDAY, January 17</b> by the start of class	2
<b>Pre-Project 2</b> – Authorities Worksheet (L)	<b>Sunday, January 21</b> by 11:59 p.m.	2
<b>Project 4.1</b> - First Brief Skeleton Assignment (L)	<b>Sunday, January 21</b> by 11:59 p.m.	5
FIRST INDIVIDUAL MEETING	<b>Monday, January 22 - Friday, January 26</b>	2
<b>Project 4.2</b> – First Argument Section in Brief Skeleton (L)	<b>Sunday, January 28</b> by 11:59 p.m.	5
<b>Self-Assessment 1</b> (L)	<b>Wednesday, January 31</b> by 11:59 p.m.	2
<b>Pre-Project 3</b> – Second Argument Section Authorities Worksheet (L)	<b>Sunday, February 4</b> by 11:59 p.m.	2
SECOND INDIVIDUAL MEETING	<b>Monday, February 12 - Friday, February 16</b>	2
<b>Project 4.3</b> – Second Argument Section in <i>Updated</i> Brief Skeleton (L)	<b>Sunday, February 18</b> by 11:59 p.m.	5
<b>Project 4.4</b> - Supervising Attorney meeting (F)	<b>Monday, February 19 - Friday, February 23</b>	8
<b>Self-Assessment 2</b> (L)	<b>Wednesday, February 21</b> by 11:59 p.m.	2
THIRD INDIVIDUAL MEETING	<b>By Friday, March 8</b>	2
<b>Project 4.5</b> - Full Brief, including Statement of the Case and Summary of the Argument (L)	<b>Wednesday, March 20</b> by 11:59 p.m.	5
<b>Project 4.6</b> – Final Supreme Court Brief (F)	<b>Friday, April 5</b> by 4:30 p.m.	40
<b>Project 5</b> – Oral Argument (F)	<b>By Friday, April 26</b>	10
Professionalism	As applicable	4
<b>TOTAL</b>		<b>100</b>

**SYLLABUS ATTACHMENT**  
**SIU SCHOOL OF LAW – Spring 2024**

**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](http://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](mailto:siucares@siu.edu), <https://salukicare.siu.edu/>. Associate Dean Angela Upchurch ([aupchurch@siu.edu](mailto: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.

**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>