

# EMPIRE COLLEGE SCHOOL OF LAW

## SYLLABUS

Course: Legal Research and Writing, Fall 2009

Time: Mondays 6:00-9:00 p.m.

Units: 2

Professor: Cathren Koehlert

### Description

Welcome. This course introduces legal research and writing. You will learn legal writing style and organization, legal research, the court systems, legal precedent, legal memos, letters, and trial briefs.

### Materials

Shapo, Helen S., et al, *Writing and Analysis in the Law*, 5<sup>th</sup> edition; ISBN 978-1-59941-424-9.

Garner, Bryan A. *Legal Writing in Plain English*, 2001; ISBN 0-226-28418-2.

Hegland, Kenny F., *Introduction to the Study and Practice of Law in a Nutshell*, 4<sup>th</sup> edition; ISBN 978-0-314-14644-X.

Jessen, Edward W., *California Style Manual*, 4<sup>th</sup> Edition, ISBN 0-314-23370-9

ALWD Citation Manual: a Professional System of Citation, 3<sup>rd</sup> Edition

ISBN 0-7355-5571-0

### Assignments

Our writing assignments (case briefs, citations, memo, and letter) will all be based on the same mock case. The mock case itself will introduce you to some of the principles you will be learning next semester. But please keep in mind that it does not provide a full overview of the subject matter.

### Class Policies

#### Attendance:

Class participation and attendance are mandatory. If you miss or are unprepared for three (3) classes, you will receive a no pass grade and must repeat the class to graduate from law school.

Every two (2) times that you are late for class count as one absence.

If you miss a class, then you are responsible for getting notes and handouts.

Cell phones and electronic communications are prohibited during class.

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## Assignments:

If you fail to turn in any one assignment, you will receive a no pass grade. Two un-excused late assignments will equal a failure to turn in the assignment.

An assignment is considered submitted after you submit a hard copy in class and an **identical** electronic copy saved in Microsoft Word by 10:30 pm following class. Please email a test copy to yourself to ensure that the file has not been corrupted. You will receive a confirmation of receipt of the assignment. If you do not receive confirmation, the assignment was not received or submitted.

The assignments must be substantially complete.

Your authorities list assignment should be in correct citation format. You should include a sentence or two explaining the relevance of the authority. You should have at least six authorities.

Your outline should include references to case law and a statement of the rule, some short notes on rule explanation, and some notes on the facts you are using for comparison.

A rough draft is a narrative draft including all sections of the assignment: Statement of Facts, Questions Presented, Short Answer, and Discussion. The discussion should include rule, rule explanation, analysis, counter-argument, and conclusion. These should be complete and edited in the rough draft.

All assignments must be typed, spell checked, proof read, and stapled. They should have page numbers. Hard copies are due by 6:15 p.m. Electronic copies are due by email ([ckoehlert@yahoo.com](mailto:ckoehlert@yahoo.com)) before 10:30 pm on the due date.

Prescribed formats for assignments are required.

To pass all citations to authority in final drafts must comport with the *California Style Manual*.

To pass you must meet the ethical standards for disclosing negative authority and must cite accurately.

To pass you must address all comments on your draft in your final memo.

Electronic research of every kind is prohibited. Any student who uses any form of electronic, internet, or non-hard copy research will fail the class and will be reported to the Dean's Office for academic dishonesty.

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| Week     | Assignment<br>(All assignments must be completed BEFORE class.)                                                                                                                                                                                                                                                                                                        | Class Outline                                                                                                                                                                                                                                     |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aug 31   | Read:<br><br>Plain English for Lawyers 17-48<br>Writing and Analysis in the Law 229-248<br>Introduction to the Study and Practice of Law 13-37; 230-237                                                                                                                                                                                                                | Welcome to Law School:<br>Dean Pat Broderick;<br>Introductions and overview of the class;<br>In class exercise- translation out of legalese-handout;<br>Legal research practices- citation of authorities, and checking citations; briefing cases |
| Sept 7   | <b>No Class Labor Day</b><br><br>Read:<br><br>Introduction to the Study and Practice of Law p. 91-137<br>Writing and Analysis in the Law 3-61; 515-536<br>As a reference: California Style Manual & the Blue Book<br><br>Write: Put the list of sources from last week's handout in correct citation form; brief the cases from last week's handout (Due September 14) |                                                                                                                                                                                                                                                   |
| Sept. 14 | Read:<br><br>Writing and Analysis in the Law 277-296<br><b>Citations and Briefs Due Today</b>                                                                                                                                                                                                                                                                          | in class grading of citations;<br><br>weight of authorities<br><br>Library tour- kinds of authorities, what they are and how to find them, shepardizing                                                                                           |
| Sept 21  | Read:<br><br>Introduction to the Study and Practice of Law 37-90<br><br>Writing and Analysis in the Law 62-116; 193-201;<br><br>Write: Preliminary table of authorities for                                                                                                                                                                                            | Case synthesis exercises                                                                                                                                                                                                                          |

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|         | memo (all shepardized) (Due today Sept 21)                                                                                                                                                                                                                                                                                     |                                                                                                 |
| Sept 28 | <p>Read:</p> <p>Plain English for Lawyers 3-16; 53-61; 165-172<br/>           Writing and Analysis in the Law 143-192; 559-572<br/>           Introduction to the Study and Practice of Law 209-229; 238-261</p> <p>Write: Outline legal research memo<br/>           [Alternate option: rough draft] (Due today Sept. 28)</p> | <p>Small and large scale organization;<br/>           Writing a legal research memo</p>         |
| Oct. 5  | <p>Read:</p> <p>Comments on Outline;<br/>           Plain English for Lawyers 62-88<br/>           Writing and Analysis in the Law 249-276</p>                                                                                                                                                                                 | <p>Types of arguments;<br/>           Writing process;<br/>           Free-writing exercise</p> |
| Oct. 12 | <p>Write: Rough draft of research memo (Due today Oct. 12)</p>                                                                                                                                                                                                                                                                 | <p>Discuss the Problem/Challenges</p>                                                           |
| Oct. 19 | <p>Read: Plain English for Lawyers 135-146<br/>           Writing and Analysis in the Law 319-350</p> <p>Read:</p> <p>Write: advice letter to client (Due today Oct.19)</p>                                                                                                                                                    | <p>Letters, adjusting to audience</p>                                                           |
| Oct. 26 | <p>Read:</p> <p>Review relevant portions of past reading based on the comments you receive on your memo;</p>                                                                                                                                                                                                                   |                                                                                                 |
| Nov. 2  | <p>Read: Introduction to the Study and Practice of Law 138-208<br/>           Final Exam: Turn in your final draft of your research memo (Due today Nov. 2)</p>                                                                                                                                                                | <p>In class, revisions exercises.<br/>           Discussion on law study/legal exams.</p>       |