

## LEGAL RESEARCH AND WRITING SYLLABUS

Course: Legal Research & Writing, Fall 2011  
Course #: (L100)  
Time: Mondays & Wednesdays, 6-9 p.m., Room # 200  
Units: 2  
Professor: Kristen Kerns (707) 578-7000  
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### DESCRIPTION

This is an introductory legal writing and research class. You will learn the basics of good legal writing, legal research, the court systems, legal precedent and how to use it, how to frame issues and draft legal memos.

### MATERIALS

All materials are required.

Jessen, Edward W., *California Style Manual*, ISBN 0-314-23370-9  
Garner, Bryan A., *Legal Writing in Plain English*, ISBN 0226284182  
Hegland, Kenny F., *Introduction to the Study and Practice of Law in a Nutshell*, 5<sup>th</sup> Edition, ISBN 978-0-314-19415-2  
Shapo, Hellen S., et al, *Writing and Analysis in the Law*, 5<sup>th</sup> Edition, ISBN 978-1-59941-424-9  
*ALWD Citation Manual* 4th ed. ISBN # 9780735589308  
*Legal Writing & Research Materials* (This is a bound volume that you must purchase at Empire's bookstore.)

### CLASS POLICIES

Class participation and attendance are mandatory; cell phones and electronic communications are prohibited during class time. Your class participation score will reflect the quality and quantity of your contributions to classroom activities and discussions and how prepared you are for class. If you miss or are unprepared for three (3) classes or fail to turn in any one assignment, you will receive a no pass grade and must repeat the class in order to graduate from law school.

Every two times that you are late for class count as one absence. **All assignments must be typed, spell checked, proof read, stapled, have page numbers and are due by 6:15 p.m.** Where I give a prescribed format for an assignment, you must use that format. All citations to authority must comport with the *California Style Manual* or you will fail the assignment.

Electronic research of every kind is prohibited in this class. 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.

Please note that you will turn in (and/or bring to class) rough drafts of the memos that you will write for this class. Even though this is a draft, it must be fully researched and complete in narrative form in order for your classmates and me to provide meaningful and productive comments. If your draft is incomplete, I will not read it. An incomplete draft is the same as and will count as being unprepared for class.

### GRADING

This class is mandatory; if you fail it, you must repeat it. Although this class is graded on a pass/fail basis, I will grade each of your assignments on a high pass, pass, low pass, no pass basis. Your grades will be based on quality of writing and research, clarity of thought, and overall product. Spelling, grammar, punctuation and proof reading are also an essential part of your grade.

| Percent | Assignment          |
|---------|---------------------|
| 25%     | Class Participation |
| 20%     | Memo #1             |
| 35%     | Memo #2             |
| 20%     | Final Examination   |

Note: You must take the final exam, regardless of whether you believe you have achieved a high enough percent in the other areas to pass.

| <u>Date</u>                               | <u>Homework</u>   | <u>Class Work</u>  |
|---|---|--|
| <b>**Must be Completed BEFORE Class**</b> |   |  |
| Class 1:<br>Monday<br>November 7, 2011    | <i>Introduction to the Study and Practice of Law</i> , pp. 13-37, 91-137, 230-237<br><i>Writing and Analysis in the law</i> , pp. 3-61, 229-248.<br><i>Legal Writing in Plain English</i> , pp. 17-48<br><i>The Lawyer's Craft</i> (LWR Materials)<br><i>Ebbetts Pass v. Department of Forestry</i> (LWR Materials)<br>Courts Map (LWR Materials) | * What is good legal writing?<br>* Writing to an audience<br>* What is a case?<br>* Briefing & Sample Briefs<br>* What is a statute?<br>* Legal Authority & Precedent<br>* Court Systems |
| Class 2:<br>Wednesday<br>November 9, 2011 | <i>Writing and Analysis in the law</i> , pp. 277-296, 515-536<br>Familiarize yourself with the California Style Manual and the ALWD.  | * Case Citations (bring the <i>Style Manual/Citation Manual</i> to class)<br>* In-Class Citations Exercise<br>* Library Scavenger Hunt   |

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| Class 3:<br>Monday<br>November 14,<br>2011                                   | <i>Citators Handout (LWR Materials)</i><br><i>Introduction to the Study and Practice of Law</i> , pp. 37-90<br><i>Writing and Analysis in the Law</i> , pp. 62-116  | * Review Citations<br>* Updating Cases & Statutes (Shephardizing)<br>* Handout Memo #1 Assignment   |
| Class 4:<br>Wednesday<br>November 16,<br>2011                                | <i>Writing and Analysis in the Law</i> , pp. 193-201<br><i>Introduction to the Study and Practice of Law</i> , pp. 209-229<br>Article: <i>Research Sources &amp; Strategies (LWR Materials)</i>   | * How to Write a Research Memo  |
| Class 5:<br>Monday<br>November 21,<br>2011                                   | <b>Turn in 3 Copies of Memo #1</b><br><i>Legal Writing in Plain English</i> , pp. 3-16, 53-61, 165-172<br><i>Writing and Analysis in the Law</i> , pp. 143-192<br><i>Introduction to the Study and Practice of Law</i> , pp. 238-261<br>Handout: <i>Skimming the Fat Off Your Writing (LWR Materials)</i> | * In-class Editing Assignment   |
| Class 6:<br>Wednesday<br>November 23,<br>2011                                | <i>Legal Writing in Plain English</i> , pp. 140-143 & Appendix A<br><i>Writing and Analysis in the Law</i> , pp. 559-572  | * Handout Memo #2 Assignment<br>* Grammar, Punctuation Review   |
| Class 7:<br>Monday<br>November 28,<br>2011                                   | <b>Final of Memo #1</b>   | Legal Research for Memo #2  |
| Class 8:<br>Wednesday<br>November 30,<br>2011                                |   | In-class work on Memo #2  |
| Class 9:<br>Monday<br>December 5, 2011                                       | <b>Final of Memo #2</b><br><i>Introduction to the Study and Practice of Law</i> , pp. 161-208   | * Legal Writing Development Plan<br>* How to continue improving your legal writing for the rest of your career<br>* Law School Exam Writing |
| Class 10:<br>Wednesday,<br>December 7, 2011<br>(Final Examination)<br>6:00pm |   | Final Examination   |