

Revised 08/12/10

## LEGAL RESEARCH AND WRITING SYLLABUS

Course: Legal Research and Writing – L100AUG, Fall 2010

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

Units: 2

Professor: Cathren Koehlert 415-596-1834; [ckoehlert@yahoo.com](mailto:ckoehlert@yahoo.com)

### 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

**California Style Manual, A Handbook of Legal Style for California Courts and Lawyers:** 4<sup>th</sup> Edition; Jessen; ISBN # 0-314-23370-9.

**Legal Writing in Plain English** Garner, Bryan A., 2001, ISBN 0226284182

**Introduction to the Study and Practice of Law in a Nutshell** 5<sup>th</sup> Edition

Hegland, Kenny F., ISBN 978-0-314-19415-2

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

**ALWD Citation Manual** 4<sup>th</sup> ed. ISBN 9780735589308

**LR&W I: In Class Materials** (Must be purchased in the Empire College Bookstore)

### 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.

Being unprepared for class includes not doing the reading or studying the problem. You will be called on in class and asked questions about the reading and the problem.

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Be sure to bring your books and your handouts booklet with you to class as we will be using them for in class exercises. The class has a flexible format, and we may do exercises as needed on dates that they are not noted on the syllabus.

Be sure to bring the latest draft of your current assignment with you to each class. We may be doing in class revisions exercises.

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

Cell phones and electronic communications are prohibited during class.

### **Assignments/Grading Policy:**

**TO PASS THIS CLASS:** You must turn in and pass each assignment. Failure to pass any one assignment will result in a no pass grade for the class.

Standards for passing the 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.

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. A rough draft IS NOT your first draft or an outline.

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.

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

To pass, every sentence of your rule and rule explanation paragraphs must include a citation to authority.

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

To pass, you must discuss the facts of multiple authorities in your memo.

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.

<b>Week</b>	<b>Assignment (All assignments must be completed BEFORE class.)</b>	<b>Class Outline</b>
Aug. 30	Read:  Plain English for Lawyers 17-48 Writing and Analysis in the Law 229-248 Introduction to the Study and Practice of Law 13-37; 230-237	Welcome to Law School: Dean Pat Broderick; Introductions and overview of the class; In class exercise- translation out of legalese-handout; Legal research practices- citation of authorities, and checking citations; briefing cases
Sept. 6	Read:  Introduction to the Study and Practice of Law p. 91-137 Writing and Analysis in the Law 3-61; 277- 296; 515-536 As a reference: California Style Manual & the ALWD	

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Sept. 13	<p>Write: Put the list of sources from last class's handout in correct citation form; brief the cases from last class's handout (Due Today: Sept. 13)</p> <p><b>Citations and Briefs Due Today</b></p>	<p>in class grading of citations; weight of authorities</p> <p>Library tour- kinds of authorities, what they are and how to find them, shepardizing</p>
Sept. 20	<p>Read:</p> <p>Introduction to the Study and Practice of Law 37-90</p> <p>Writing and Analysis in the Law 62-116; 193-201; 277-296</p> <p>Write: Preliminary table of authorities for memo (all shepardized) (Due Today Sept. 20)</p> <p><b>Table of Authorities Due Today</b></p>	<p>Case synthesis exercises</p>
Sept. 27	<p>Read:</p> <p>Plain English for Lawyers 3-16; 53-61; 165-172</p> <p>Writing and Analysis in the Law 143-192; 559-572</p> <p>Introduction to the Study and Practice of Law 209-229; 238-261</p> <p>Write: Outline legal research memo [Alternate option: rough draft] (Due today Sept. 27)</p> <p><b>Outline Due Today</b></p>	<p>Small and large scale organization; Writing a legal research memo</p>
Oct. 4	<p>Review outline comments.</p> <p>Write: A short (1 page or less) assessment of your outline's strengths and areas for improvement. (Due today Oct. 4)</p> <p><b>Outline Assessment</b></p>	<p>Writing process; Free-writing exercise</p>

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Oct. 11	Read:  Comments on Outline  Write: Rough draft of research memo (Due today Oct. 11)  <b>Rough Draft Due Today</b>	Discuss the Problem/Challenges
Oct. 18	Read:  Plain English for Lawyers 62-88, 135-146 Writing and Analysis in the Law 249-276, 319-350	Types of arguments; Letters, adjusting to audience
Oct. 25	Write: advice letter to client (Due today Oct. 25)  <b>Advice Letter Due Today</b>	In class revisions exercises.
Nov. 1	Read:  Review relevant portions of past reading based on the comments you receive on your memo; Introduction to the Study and Practice of Law 138-208  Final Exam: Turn in your final draft of your research memo (Due today Nov. 1)  <b>Final Memo Due Today</b>	Discussion on law study/legal exams.