

# Hofstra School of Law

## ADVANCED LEGAL ANALYSIS AND WRITING (ALAW)

Professor: Christopher Fromm, Esq.

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Class schedule: Wednesday from 2:00PM – 3:50 PM Room 242

Office hours: By Appointment (Generally Wednesdays before and after class)

### General Course Description and Design:

ALAW will focus on practical skills that can be used now, in school, and later, on the bar exam and in practice. This is a uniquely delivered class. We are small, just 15 total students which allows for more interaction than larger classes. Moreover, we will have lots of opportunities to write and receive feedback individually, but also to work as a group on various legal issues. In addition to our in class meetings, we will have a few classes where we will interact virtually through an Adobe based online platform. In these classes, you will have the ability to, and are expected to, participate just as you would in a live class. This allows for the course to be taught by a single lecturer rather than piecemeal.

Rather than try to cover all lots of substance, we will dig into skill in just two; Negligence and Contract Formation. These are meaty concepts that likely cross over with most legal issues, are heavily tested on the bar, and occur often in life. Our goal will to improve those elements of strong test taking and strong essay writing. Outlining an answer, spotting issues, developing strong rule statements and depth of analysis are critical to essay success. Additionally, we will work on how to rank and prioritize facts and tackle multiple issue/multiple topic essays. Finally, we will work on multiple choice question taking skills such as process of elimination, timing, and choosing the better of two seemingly correct answers.

AS THIS IS A NEW COURSE, I RESERVE THE RIGHT TO ALTER THE SYLLABUS IN THE BEST INTEREST OF THE CLASS, BUT WILL BE AS TRANSPARENT AS POSSIBLE WITH THOSE CHANGES.

### Learning Objectives Broadly

- o explore various methods of legal reasoning;
- o how to analyze rules of law, statutes, cases
- o how to discern relevant facts and apply a legal principle to those facts;
- o how to write more clearly and succinctly;
- o how to tailor your writing to a variety of audiences and for specific purposes;
- o how to improve your oral communications

### **Learning Objectives Specifically**

1. **Understanding Rules of Law**—Complete mastery of specific rules of law
  - a. Identification of the elements of several causes of action
  - b. Ability to speak and write effectively using these rules.
2. **Rule Analysis**—How to read and understand Negligence and Contract Formation involved fact patterns and apply the rules of law to the facts presented
3. **Legal Problem Solving**—How to apply case precedent, the law of Torts, and statutes to a client’s problem, and how to advise the best approaches (negotiation, litigation)
  - a. Identifying legal issues in simple and complex fact situations.
  - b. Identifying the relevant legal authority and policy.
4. **Legal Argument and Drafting**—How to structure a persuasive argument, marshaling the relevant facts and applicable law.
  - a. Identifying the legal issues.
  - b. Identifying the relevant facts, authority, and policy.
  - c. Supporting the client’s position with facts, authority, and policy.
  - d. Distinguishing unfavorable facts, authority, and policy.
5. **Critical Thinking**—How to incorporate policy rationales and critiques into your everyday legal work.
  - a. Evaluate cases, rules, statutes, arguments, documents
  - b. **Lawyering Skills**—Learn the basic “how-to’s” effective arguing and analysis

**Attendance Policy:** Attendance is critical. Since this course is a workshop format, the work inside class is much more demanding than the work done outside of class.

**Required Text:** “Advanced Professional Skills Development” You will also have access to a free Kaplan Online Syllabus. Credentials will be provided and we will walk through how to access and use this free resource. All materials are free, and will be handed out in class on the first night. FINAL NOTE- Students are required to join the TWEN page as

that is where all resources, homework assignments, and communication will be found. It is imperative that you join the TWEN page so that you are receiving all communications pertaining to the class.

**Class Participation:** Students are expected to participate in class discussion and group work/problem solving.

**Scoring and Examinations:** There will be a mid-term valued at 25% of the final grade, and a final exam, valued at 50%. The additional 25% will be based on assignments turned in throughout the semester. Grading will follow Hofstra School of Law's standard scale. Please note, there will be some assignments that you will submit to the TWEN dropbox, and others that will be submitted to your Kaplan website syllabus. Please ensure you are following the syllabus instructions.

### **Class 1: Introduction and Diagnosis**

**Date: Jan 13**

**Coverage: In this class we will take a short Pretest that will be used to evaluate growth throughout the semester. There is no pre work needed as this get will measure your substantive memory recall as well as your test taking skill proficiency. Course materials will also be handed out.**

**Homework for next class: Read pages 102-124 in your course book covering negligence.**

## **Class 2: Substantive Review- Negligence and Defenses**

**Date: Jan 20**

**Coverage:** In this class we will cover all of the law that is needed for the Skill components of the first half of the semester. We will focus on Negligence and Defenses. It is important that students understand the rules they will be applying. Underperforming due to lack of knowledge is not a skill factor that can be addressed other than to study harder, and learn more law. This class levels the playing field for Tort knowledge and provides a review of the rules students learned in their first year.

**Homework for next class:** Review notes and be sure your Negligence understanding is solid. Check out the online resources and the TWEN page to ensure you are familiar with the course materials. Also, students should have read the Issue Spotting exercises 1-25 starting on page 136.

## **Class 3: Skill- Reading Comprehension and Issue Spotting**

**Date Jan 27**

**Coverage:** In this class we will walk through fact patterns in class picking out what facts are relevant to a negligence cause of action and discuss how those facts shape a response to a prompt, enhance, or detract from an analysis. Understanding the issue and distinguishing the relevant from irrelevant facts is cornerstones to strong essay writing.

**Homework for next class:** Complete the remaining exercises numbered 26-32 and submit to TWEN Drop Box. Read and create an outline for Essay 1 and submit to TWEN along with your issue spotting exercises.

## **Class 4 Skills Workshop**

**Date Feb 3**

**Live On Line Format-** <https://liveonline.kaptest.com/chrisfrommasr/>

**Coverage:** In this class, we will move from issue spotting and analyzing facts to starting to craft an argument, Where to begin. How to format an essay and grab your audience is as important as what goes into it. Therefore, we will work on rule statements, identifying, prioritizing and ranking facts. Further develop fact analysis to tease out which facts go to elements and which go to defenses. Class will rely heavily on essays students were assigned to read through as homework assignments. Materials will focus on Negligence.

**Homework for next class: Review Negligence notes and outline for next week's in class simulation. Review Essay 2 and 3, create outlines for each and upload to TWEN Drop Box.**

**Class 5 Simulation- Essay Writing Part I**

**Date Feb 10**

**Live On Line Format- <https://liveonline.kaptest.com/chrisfrommasr/>**

**Coverage: In this class students will write and submit 2 essays for feedback via the Kaplan website. During this simulation, students will encounter the pressures of time and outlining as well as issue spotting and rule analysis.**

**Homework for next class: Outline essay 5 and 6 and Submit to TWEN dropbox. Complete and be ready to discuss you answers to the Torts multiple choice questions starting on page 158.**

**Class 6 Skill: Tackling Multiple Choice Questions in Torts**

**Date Feb 17**

**Coverage: In this class, we will touch on how to read backwards from the call to the fact pattern in analyzing Negligence issues as they appear in multiple choice questions. Although a different format, multiple choice question success depends on the same skills for writing effective essays. Being able to master skills in both modalities is critical to success on our course goals.**

**Homework for next class: Prepare for Midterm. Specific details will be provided, but students should prepare to be tested on Negligence and Defenses both in writing and with multiple choice questions.**

**Class 7 Test: Midterm**

**Date**      **February 24**

**Coverage:** Students will be tested on what they have learned thus far. Focusing on putting specific rules into practice on essays, short answers and MCQs.

**Homework for next class:** Students should read the outline materials on Contracts starting on page 6. Note, there is a lot here so please ensure proper time to read and digest. Contracts offers more depth as we will cover formation in Common Law and UCC.

**Class 8**    **Substantive Review- Contract Formation and Defenses**

**Date**      **March 2**

**Coverage:**      In this class we will cover all of the law that is needed for the Skill components of the second half of the semester. We will focus on Contract Formation and Defenses. It is important that students understand the rules they will be applying. Underperforming due to lack of knowledge is not a skill factor that can be addressed other than to study harder, and learn more law. This class levels the playing field for Contract knowledge and provides a review of the rules students learned in their first year.

**Homework for next class:** Review notes and be sure your Contract Formation understanding is solid. Read the Issue Spotting exercises 1-20 starting on page 56.

**Class 9 Skill- Reading Comprehension and Issue Spotting**

**Date March 9**

**Live On Line Format-** <https://liveonline.kaptest.com/chrisfrommasr/>

**Coverage:** In this class we will walk through fact patterns in class picking out what facts are relevant to formation issues in Contracts and discuss how those facts shape a response to a prompt, enhance, or detract from an analysis. Understanding the issue and distinguishing the relevant from irrelevant facts is cornerstones to strong essay writing.

**Homework for next class:** Complete the remaining exercises numbered 21-28 and submit to TWEN Drop Box. Read and create an outline for Essay 1 and submit to TWEN along with your issue spotting exercises

**Class 10 Skills Workshop**

**Date March 16**

**Coverage:** In this class, we will move from issue spotting and analyzing facts to starting to craft a strong essay in Contracts. We will work on rule statements, identifying, prioritizing and ranking facts. Further develop fact analysis to tease out which facts go to elements and which go to defenses. Class will rely heavily on essays students were assigned to read through as homework assignments. Materials will focus on UCC and Common Law contract formation and defenses.

**Homework for next class:** Review Contracts notes and outline for next week's in class simulation. Review Essay 6 and 9, create outlines for each and upload to TWEN Drop Box.

**Class 11 Simulation- Essay Writing Part II**

**Date March 23**

**Live On Line Format-** <https://liveonline.kaptest.com/chrisfrommasr/>

**Coverage:** In this class students will write and submit 2 essays for feedback via the Kaplan website. During this simulation, students will encounter the pressures of time and outlining as well as issue spotting and rule analysis.

**Homework for next class:** Outline essay 1 & 3 and submit to TWEN dropbox. Complete and be ready to discuss the Contracts multiple choice questions on pg 86.

**Class 12 Skill: Tackling Multiple Choice Questions in Contracts**

**Date April 6**

**Coverage:** In this class, we will touch on how to read backwards from the call to the fact pattern in analyzing Negligence issues as they appear in multiple choice questions. Although a different format, multiple choice question success depends on the same skills for writing effective essays.

**Homework for next week:** Write and submit Essay 4 & 5 to TWEN Drop-box.

**Class 13 Skill: Putting It All Together**

**Date April 13**

**Coverage:** In this class we will review the two essays written for homework and discuss how to approach a mixed subject essay.

**Homework for next week:** Write and submit a mixed subject essay to the TWEN dropbox. This essay will be provided on TWEN page found under Course Materials.

**Class 14 Skill: Problem Solving Exercises**

**Date April 20**

**Coverage:** In this class we will further discuss attacking fact patterns with crossover issues (torts and contracts). We will also explore fact patterns that overlap multiple issues and topics in the same essay. Beyond prima facie cause of action and defense, but facts that go to completely different legal analysis. This skill prepares students for practical legal situations and performance tests. Sorting facts to law, ranking and prioritizing arguments is a critical factor.

**Homework for next week:** Prepare for final.