

Legal Analysis, Writing & Research I
Fall 2016
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LEGAL ANALYSIS, WRITING & RESEARCH I
COURSE OUTLINE AND GUIDELINES

What This Course Is All About. Hofstra requires five credit hours in legal analysis, writing and research in the first year --- two in the fall semester and three in the spring. In the fall semester Legal Analysis, Writing & Research I course, you will learn the basics of legal analysis, research, and predictive writing, focusing on the writing process through writing and re-writing office memoranda. You will also write a quick turnaround email advice memo. You will receive substantial individualized feedback, including one-on-one conferences with the professor to critique your written work. Legal Analysis, Writing & Research II primarily teaches persuasive writing through the drafting of trial and appellate briefs. In order to familiarize you with the type of time constraints that lawyers are often confronted with in practice, you will write another quick turnaround email advice memo and take a timed MPT-style writing exercise. Research instruction, begun in the fall, is completed in this course. As in the fall, professors provide substantial individualized feedback and discuss rewriting techniques as well as methods through which each student can improve. At the end of the course, students participate in an oral argument.

Learning Objectives. This is a two-semester course designed to assist you in learning:

- various methods of legal reasoning;
- how to analyze statutes, cases and other sources of law;
- how to discern relevant facts and apply a legal principle to those facts;
- how to write more clearly and succinctly;
- how to prepare a variety of legal documents and to cite legal authorities correctly in those documents;
- how to tailor your writing to a variety of audiences and for specific purposes;
- how to improve your oral communications with clients, judges, and opposing counsel; and
- the process of legal research, including the various types of legal research materials and how to access them.

Classes. While this is a two credit course it is scheduled to meet for four hours a week on Tuesdays and Thursdays from 10:10 am -12:00 pm in room 010 in Roosevelt. Some weeks we will meet as a group for four hours (especially at the beginning of the semester), and other weeks we will meet for only two. I will always give you advance notice of the schedule, but please be aware that you must be available all four of the scheduled hours.

The total number of hours that we meet will not exceed those required for a two-credit course because this course is “front-loaded,” and will finish prior to the end of the semester so that you may devote your energies to your other classes.

Required Time on Out of Class Readings & Assignments. The American Bar Association requires that you spend at least four hours per week, on average, outside of class studying for this 2-credit course. This is in addition to the four hours a week we spend in class. (The ABA has a formula for determining the requirement. In other courses, the required number of out-of-class hours may be different.)

Assignments. During the fall semester, you will be given four writing assignments. Three of those assignments will be graded and will count for 75% of your final grade. Legal Analysis Assignment 1 is an objective memo in which you will analyze a set of facts according to the law found in several judicial opinions that will be supplied to you. Assignment 1 will be ungraded. I will, however, provide comments on your Legal Analysis Assignment 1 paper, and we will also critique that assignment in both individual conferences and in class as a group. After Legal Analysis Assignment 1 has been critiqued, you will rewrite it and turn in the rewritten version as Legal Analysis Assignment 2. Legal Analysis Assignment 3 will be an open research office memorandum in which you will first research and then analyze another set of factual and legal issues.

You will also hand in a research report prior to your submission of Legal Analysis Assignment 3 that explains not only your research results, but also the process you used to create and execute your research paths. We will have individual conferences on Legal Analysis Assignment 3, and that assignment will also be critiqued as a group. Legal Analysis Assignment 4 is a re-write of Assignment 3. In addition, you will be required to draft an email memorandum to a senior partner in a quick time-frame. This assignment will require research on a specific issue or question and is designed to be answered in a more concise manner than the other assignments.

Register on TWEN. This course will utilize TWEN (the West Educational Network), an on-line means of communicating course information. Please sign up for TWEN at www.lawschool.westlaw.com. This course can be accessed under my name as “Legal Analysis, Writing & Research.”

Attendance Policy. You are expected to attend every class. The rules of the New York State Court of Appeals, the American Bar Association, and the Law School all require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of your regularly scheduled classes. A student enrolled in a two-credit course may thus miss no more than two 100-minute class sessions (in other words, two regularly scheduled classes).

I will provide sign-in sheets for each regularly scheduled class, which shall be the dispositive evidence regarding your absence from a given class. Each student is responsible for signing in. Falsification of sign-in sheets is a violation of the Code of Academic Conduct.

If you exceed the permitted absences by failing to sign in, you will be administratively withdrawn from the course. No prior notice may be given, and you will receive notification from the Office of Academic Records indicating the withdrawal. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you are excessively absent from several classes, you may face additional sanctions, including but not limited to denial of certification of good and regular attendance to the New York State Board of Law Examiners, or other state bar examiners.

If you believe you must be absent from class for more than the permitted number of classes, you should contact the Office of Student Affairs as soon as possible. Accommodations will be made for students who must be absent for religious reasons and in cases of truly compelling hardship. Any request for an exception made to the Office of Student Affairs must be accompanied with appropriate documentation.

Texts. The primary text for the course is Neumann, Legal Reasoning and Legal Writing (7th Ed.). In addition, your written work must conform to the rules in the Bluebook (20th Ed.). We will also be using the Interactive Citation Workbook for the Bluebook. I may give you supplemental materials to be read prior to particular classes over the semester. Please bring your Neumann text and your Bluebook to class with you each time we meet. It is only necessary for you to bring Sloan, Basic Legal Research Tools and Strategies (6th Ed.) when I instruct you to. You are also required to purchase and complete the online grammar program, *Core Grammar for Lawyers*. We will discuss the specifics of purchasing and completing that program at our first class session. In addition, I recommend the following text: Wydick, Plain English for Lawyers (5th Ed.)

Independent Work. One of your goals for this course should be the development of your own creativity and analytical skills. Your work should therefore represent your own individual effort unless I specifically tell you otherwise (for example, you may discuss ungraded homework assignments with other students). **You may not:**

1. show anything you have written -- even fragments of a "rough draft" -- to anyone else (student or otherwise) for any purpose before you turn your work in; this prohibition includes any help in editing or proofreading from anyone at any time; and
2. discuss your research or assignments with anyone else, including another student or any lawyer or judge -- even one to whom you are related.

Academic Honesty. The Law School's Code of Academic Conduct provides:

I(B). Plagiarism.

1. Definition. A student plagiarizes when the student represents the work of any other person as the student's own work. Plagiarism includes but is not limited to:

- a. copying or substantially copying someone else's words without both citing the author of the quotation and using either quotation marks or an indented block quotation;
- b. paraphrasing someone else's words or work without citing the source.

2. The violation. A student violates the Code of Academic Conduct when the student:

- a. purposely plagiarizes or aides another student to plagiarize; or
- b. plagiarizes with knowledge of circumstances which should alert a reasonable student that there is a substantial risk that the student would be plagiarizing.

Read this very carefully. You are on notice of the rules and must comply with them. Among other things, be sure to put quotes around all words not of your own composition, and attribute each quote properly to its source. Attribute each thought not originally yours to the source from which you got it.

The Code of Academic Conduct also contains other prohibitions that are particularly relevant to this course. E.g., Section 1(A)(3)(prohibiting a “material misrepresentation for the purpose of obtaining a benefit in connection with any matter for which academic credit is given”); Section I(A)(2)(prohibiting damage to and hiding or unauthorized removal of library material). If you violate any part of the Code of Academic Conduct, you will be reported to the Vice Dean for disciplinary action. As you know, violations of the Code may result in expulsion from the Law School. In addition, violation of any of the course rules set out herein will result in a penalty to be deducted from your final grade.

Laptops. The use of a laptop for **note taking purposes only** is permitted in my class. But if you use your computer for some other activity that I deem to be distracting to you or those around you, I reserve the right to bar you from bringing your computer to class in the future.

Additionally, please be sure to silence your cell phones before class begins.

Turning in Assignments. Assignments that are not due at a regularly scheduled class session must be submitted to my assistant, Fran Avnet, in room 104 of the library, by the time indicted

on the assignment instructions. Neither senior partners nor court clerks nor clients (for those of you planning a transactional practice) are sympathetic to requests for extensions of time from lawyers who cite computer or printer problems or other reasons that demonstrate poor planning or organization skills. You need to prepare yourself for this demanding and unforgiving environment.

Accordingly, **requests for extensions will be granted only for documented reasons relating to illness, family emergency, or other legitimate, documented cause beyond your control. Any extension must be obtained before the assignment is due.** In the absence of an extension, lateness will result in substantial penalties, which will increase with each subsequent day. **I will not accept a paper that is more than 48 hours late without a legitimate, documented reason and you will receive zero credit for that portion of your grade.**

You must type (double-spaced, using 12 point font) each of the four Legal Analysis writing assignments on 8 x 11 inch paper. You must use Times New Roman font. Use 1-inch margins all around and number each page on the bottom right. Untyped work will not be graded.

Keep a copy of each assignment you submit and have both the copy you are submitting and the one you are retaining time-stamped by my assistant. Hold on to your copy until I have returned the submitted version so that you can supply me with another copy in the unlikely event the submitted copy is lost.

Conferences and Preparation for Conferences. After Legal Analysis Assignments 1 and 3 are graded, I will meet with you individually to go over your paper in detail. Your graded paper will be available at least 24 hours before your conference. You may pick up your paper from my assistant. Your rewrite (Legal Analysis Assignments 2 and 4) will be due after our conference on the date that is indicated in the assignment sheet. When you hand in Legal Analysis Assignments 2 and 4, you must also return to me the earlier draft of that assignment with my comments.

To get the most out of the critique, you should study my comments carefully **before** the conference begins. You should also review any portions of the Neumann text or the Bluebook to which my comments might refer you, and bring with you your drafts or research journal and any other material you think might be helpful in our discussion of your work. You are strongly encouraged to come to your conference armed with a specific list of questions that you would like to discuss.

Prior to the commencement of each series of conferences, I will post a sign-up sheet on TWEN. Be certain to select a time that is convenient for you, and show up for your conference on time. If you miss your conference, I will have to reschedule it, and that will work to your disadvantage in two ways. First, the time that you have to rewrite begins on the day of the originally scheduled conference -- and not any date to which it might be rescheduled if the rescheduling occurred because of your lack of attendance. Second, the rescheduled conference might not be a time that is particularly convenient for you (since you have to be squeezed into an already existing tight critique schedule).

How Your Work Is Weighted For The Final Grade. Legal Analysis Assignment 1 will be ungraded. Legal Analysis Assignments Two, Three and Four are each worth 25% of your final

grade. Some of the things that I look for in determining your grade on the main writing assignments are as follows:

Legal Writing: Organization, clarity, precision, conciseness, forcefulness, proper presentation of authority and rules, correct citation form and adherence to other Bluebook rules, use of quotations, paragraph structure, appropriate format, etc.

Analysis and Research: Formulation of issues; finding, interpreting and selecting authority most appropriate to support specific points; legal reasoning; emphasis and de-emphasis of facts; development of policy arguments; and persuasive strategies.

General Writing: Grammar, punctuation, spelling, diction, style and other characteristics of good writing. I will expect you to proofread your briefs thoroughly to find errors.

The email memorandum to the senior partner is worth 5% of your final grade. Research (this consists of your performance on the Research Journal you will turn in prior to Legal Analysis Assignment 3 and any additional research assignments given throughout the semester) is worth 10% of your final grade. The remaining 10% of your grade will reflect an evaluation of your Professionalism. A student's legal career begins when he or she begins law school. Accordingly, students are expected to behave professionally. Professional behavior includes, but is not limited to:

- attending all classes and arriving on time;
- preparing for and participating in class, including professional and appropriate demeanor with your classmates and the professor;
- preparing for and participating in your individual conferences;
- timely and diligent preparation of all assignments, including any homework assignments I assign throughout the semester;
- compliance with the course computer policy. Computers are to be used during class for taking notes and no other purpose. They are not to be used to "surf the net" or send email or instant messages. Violations of this rule may lead to you being prohibited from using a laptop during class;
- completing the *Core Grammar for Lawyers* program in a timely fashion; and
- attending Westlaw, Lexis and Bloomberg training classes.

Final Grade for the Course. At the end of the semester, your grade on each assignment will be tabulated through a formula based on the weight of each assignment (see above). The resulting figures will be curved to produce one letter grade for every student, representing the work of the entire semester.

Communications. My office is room 028. If you'd like to see me, you may stop by my office to see if I am available, or arrange a mutually convenient time for us to meet by sending me an email. I am generally available during office hours on Tuesdays and Thursdays from 12:00-2:00. If I am not in my office, the best way to communicate with me is by email. If I need to communicate with you, I will do so by email via TWEN. You should check your email regularly for messages from me, and be certain to let me know if your email address changes. My email address is Laurie.B.Cascino@hofstra.edu. You should frequently check the email address that

you provided through TWEN for communications from me. You will be responsible for whatever information I convey to you through all or any of these methods of communication, as well as assignments I make orally in class. Even an excused absence from class does not justify being uninformed.