Logic Skills for Legal Reasoning: Syllabus, Fall 2015

Professor Vern R. Walker

Course Description: This is an online course designed to teach skills that are useful in analyzing the reasoning structures found in judicial decisions, and in constructing new arguments using elements of those structures. Students will learn to analyze judicial decisions as natural language documents that we search in order to retrieve the elements of legal reasoning and argument. The logic skills taught in the course include: analyzing the linguistic structure of judicial decisions, to interpret the meaning of the text (a skill applicable to all types of legal documents); searching documents and retrieving information critical to legal argumentation (a skill also applicable to search software, e-discovery, and artificial intelligence applications in law); and constructing new legal arguments using rules, findings, evidence and policies extracted from judicial decisions (a skill applicable to all types of legal reasoning and argumentation). No prior knowledge of linguistics or logic is required.

Students will work through a series of modules that are focused on particular logic skills. Each module will consist of the following online elements: background text, videos, interactive examples; exercises to be performed; and feedback on those exercises. After students have completed certain sets of modules, there will be online discussion of problems that students might be having, and online discussion of the topic more broadly. Examples, exercises and judicial decisions will be drawn primarily from Torts cases, of the kind familiar from first-year Torts courses. There will be a final examination. While a student’s performance in the course will be graded, the mandatory grading curve will not apply because the grade will be primarily determined by an evaluation mechanism involving significant individualized interaction between the student and teacher.

An important pedagogical method used in the course is “peer review, self critique.” During most weeks of the course, students’ answers to exercises will be exchanged after they are anonymized. Students then review each other’s work (“peer review”), but critique their own work in light of that review (“self critique”). The feedback received by reflecting on a peer’s work supplements the feedback received directly from the instructor.

Credit Hours: 2 Credits, No Writing or Skills Credit [Note: Although the course teaches a certain set of skills, is taught primarily through exercises with evaluation and feedback, and is graded on performance proficiency, I do not believe that it would qualify for Hofstra Law’s “Skills Requirement.” The reason is that our Skills Requirement (tracking the ABA definition of “other professional skills” in Standard 302(b)(3)) is meant to exclude courses focused on such professional skills as “legal analysis and reasoning.”]

LEARNING OUTCOMES

By the end of this course, students should have demonstrated proficiency in:

• Using the basic concepts of linguistics and logic, to the extent needed for analyzing legal reasoning from these perspectives;
• Extracting rules and policies from cases;
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- Extracting findings of fact from cases, and the supporting reasoning based on the rules, policies and evidence;
- Identifying arguments in cases, including policy-based reasoning and evidence-based reasoning, and reasoning about the legal sufficiency of admitted evidence; and
- Using basic linguistic technology in legal practice.

CLASS TIME AND LOCATION

This course is conducted entirely online, without any mandatory classroom meetings. If you request a meeting with me outside of regular office hours, we would normally meet in Koppelman Hall 113 (the LLT Lab).

This is a “flipped classroom” course design. For each week of work, there will usually be: (1) initial exercises due at a stated date and time (“step 1”); (2) then a peer-review self critique based on the initial exercises, together with a second set of exercises due at a stated date and time (“step 2”); (3) then a review of my answers to the initial exercise, and an online discussion of residual problem areas; (4) ending in my providing comments to the entire class on residual problem areas. Timely meeting of all deadlines is essential, and failure to meet deadlines may negatively affect your final grade.

CONTACT INFORMATION

Office: Room 106, in the southwest corner of the main floor of the library

Email: Vern.R.Walker@Hofstra.edu

Telephone (but email is preferred): (516) 463-5165

Regular office hours: Wednesdays, 2:10-3:00 p.m.; Fridays, 12:10-1:00 p.m. In order to avoid conflicts, please make appointments with my executive secretary, even for meetings during office hours.

Executive Secretary: Joyce A. Cox, Room 216C

Email: Joyce.A.Cox@Hofstra.edu

Telephone (but email is preferred): (516) 463-6339

GRADING POLICY

This is an examination course, and there will be a mid-term exam as well as weekly exercises. Your grades in these examinations and on these exercises will be the basis for your final grade in the course. The timely submission and quality of all work are critical factors in grading. Participation in online discussion is expected, and the quality of your participation may raise or lower your final grade in the course.
The basis for the final grade for the course will be the following formula:

- Final exam: 50%
- Mid-term exam: 20%
- Exercises (grade scale: ++ / + / −, taking into account exercise answers both prior to peer review and after peer review): 30%

This basic final grade may be raised or lowered depending upon the quality of your participation in online discussion.

**TWEN**

I will administer this course through TWEN (The West Education Network). Important course materials and announcements will be made available / communicated via TWEN. Please sign up for the course on TWEN as soon as possible. This course can be accessed as “Logic Skills for Legal Reasoning.” The password for the course is “legaltech”. If you have TWEN-related questions, please ask one of our librarians at the reference desk for assistance.

**COURSE OUTLINE**

**Required Text:** All reading materials will be provided via the TWEN site or by other electronic means.

**Required Software:** Microsoft Word; whenever we work with PDF files, in order to preserve formatting and have consistent color schemes, please open them in Adobe Reader (Version 11.0 or later, available free from [http://get.adobe.com/reader/](http://get.adobe.com/reader/)).

**Course Content:** The topics (logic skills) fall into four sections.

I. Introduction to the Basics: Linguistics, Logic, and Legal Discourse Models

   **Week 1:** Introduction to the Course – A Linguistic, Logical Approach to Analysis of Judicial Decisions (Assignments due 8/26 and 8/28)

II. Extracting Legal Rules; Formulating Complete Rules; Constructing Systems of Rules

   **Week 2:** Annotating Sentences That Primarily State Legal Rules; Rule Conditions, Rule Conclusions (Assignments due 9/2 and 9/4)

   **Weeks 3/4:** Annotating Inferential Relations Running from Condition to Conclusion within a Legal Rule: Polarity (Supporting, Opposing) and Logical Functionality (Deductive, Probabilistic) (Assignments due 9/10 and 9/17)

   **Week 5:** Formulating Complete Legal Rules Using Four Logical Connectives (Assignments due 9/22 and 9/25)

   **Week 6:** Integrating Legal Rules into Systems of Rules (Assignments due 9/30 and 10/2)
TAKE-HOME MID-TERM EXAM (Based on Weeks 1 – 6): This exam will become available to you on Monday, October 5, at 2:00 a.m., and it will be due on Thursday, October 8, at 1:00 p.m. This is a timed exam: you will have only 3 hours in which to complete this take-home exam, starting at the time when you access your online copy of the exam.

III. Identifying the Factfinding and Supporting Reasoning

Week 7: Identifying Motions and Rulings/Holdings Concerning Sufficiency and Conclusive Nature of Evidence, “As a Matter of Law”; the Burden of Production

Week 8: Identifying Evidentiary Assertions and their Sources; a Legal Discourse Model; Relevance of Evidence

Week 9: Identifying Findings of Fact; the Burden of Persuasion

Week 10: Identifying Supporting Reasoning for Findings of Fact; Attribution of Evidentiary Assertions

Week 11: Annotating Inference Patterns Within Factfinding Reasoning

IV. Identifying Policy-Based Reasoning

Week 12: Identifying and Annotating Legal Policies

Week 13: Annotating Patterns of Reasoning Involving Legal Policies

TAKE-HOME FINAL EXAM (Based on Weeks 1 – 13): To be taken any time during the regular examination period, December 7 – 18, 2015. This is a timed exam: you will have only 3 hours in which to complete this take-home exam, starting at the time when you access your online copy of the exam.