Course Overview & Guidelines

Course Overview: Over the course of their careers, “most lawyers write and publish more pages than novelist[s].”¹ Litigators spend most of their time writing memoranda, letters, motions, and briefs; corporate lawyers regularly draft contracts, leases, and corporate documents; clerks write opinions. Thus regardless of the type of lawyer you become, or the particular field of law in which you practice, your success in the legal profession will heavily depend on your ability to write.

Indeed, for the rest of your legal career, your competence as a lawyer will be judged on your ability to write well. In the words of Chief Justice Roberts:

> When you see something like bad writing, the first thing you think is, ‘Well, if he didn’t have enough time to spend writing it well, how much time did he spend researching it? How much time did he spend thinking out the ramifications of his position?’ You don’t have a lot of confidence in the substance if the writing is bad.

In short, poor legal writers have limited value in this profession.

The above can make a new law student feel intimidated. Don’t be. The purpose of this course is to teach you how to write well. You will learn what makes lawyers and professors say, “This is good legal writing.” You will learn how to effectively communicate your ideas and arguments. You will learn how to best structure your thoughts, using clear, concise language. And you will learn that many of the writing techniques you may have employed in college—using words that you believed made you look smarter, dressing up simple ideas to seem more sophisticated—will be frowned upon by your new audience: overworked, impatient lawyers and judges who are eager to get to the point.

You will also learn that legal writing is nothing more than a vehicle used to communicate your reasoning and analysis. A lawyer should not draft one word about a particular law until he has thoroughly researched and analyzed that law. Thus this course, which covers two semesters, will also teach you how to research and analyze legal issues.

Learning Objectives.

This is the first semester of 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, both in print and electronically.

**Classes:** Although Legal Analysis, Writing and Research I is worth 2 credits, we are scheduled to meet for four hours a week (Tuesdays and Thursdays from 10:10-12:00). Be assured that the total number of hours that we will meet will not exceed those required for a two-credit course. Early in the semester we will need to meet for the full four hours as we learn the basics of legal writing, research, and citation. But as the semester progresses, class will generally meet only one day per week. Our class is “front-loaded,” meaning that it will end before the semester ends. This will allow you more time to prepare for your finals.

**Texts:** The primary text for the course is Linda Edwards, *Legal Writing and Analysis* (Fourth Edition). We will also be using the *Bluebook (20th ed.)* and Sloan, *Basic Legal Research Tools and Strategies* (Sixth Ed.). 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.

**Assignments:** During the fall semester, you will be required to complete the following four legal analysis assignments:

• Legal Analysis Assignment 1 – I will provide you with a set of facts and a closed universe of law. Based on these materials, you will be required to draft an office memorandum analyzing how the law applies to your set of facts. You will receive comprehensive feedback and a critique of your memo through an individual conference with me;

• Legal Analysis Assignment 2 - Rewrite of assignment 1;

• Legal Analysis Assignment 3 - An open research office memo. To complete this assignment you will need to first research the issues presented and submit a report explaining your research results and the process you used to create and execute your research paths. Using your research, you will then prepare a memo analyzing the issues presented. As with your first writing assignment, we will have individual conferences; and

• Legal Analysis Assignment 4 - Rewrite of assignment 3.

In addition to the four major assignments, you will be required to prepare several short homework and research assignments during the course of the semester.

**Independent Work:** To get any value out of this course, your work must be your own. This is a skills course and you cannot properly learn a skill without repeatedly practicing and performing that skill yourself. It will do you no good in the long run to take credit for someone else’s work. But if that is not reason enough for you, understand that any use of uncredited ideas or words constitute plagiarism.

Unless you have express permission from me, you may not collaborate with anyone on any assignments. Do not discuss your writing or research assignments with anyone before you submit the assignment. This includes other students, family, and friends. It includes rough drafts and fragments of rough drafts. If your words or arguments show up in another student’s work,
your work and your classmate’s work may appear plagiarized. The Law School’s policy on plagiarism is reproduced for you below. Read it carefully. **If you are charged with plagiarism, you cannot defend yourself by saying that you did not know that what you were doing was plagiarism.**

**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 aids 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.

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. 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, violations of the Code or the course rules set out herein will adversely affect your final grade.

**Timely Submission of Assignments:** You are expected to submit assignments on time. In practice, you will quickly find that neither employers nor clients will tolerate missed deadlines. Neither will I. Just as the above-mentioned individuals will be unsympathetic to requests for extensions that demonstrate poor planning on your part—including, for example, pointing to computer or printer problems—so will I. Extensions will be granted only for documented illness, family emergency, or other causes 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.

**Format of Assignments:** Each of your four writing assignments must be triple-spaced, in Times New Roman, 12-point font, on 8 x 11 inch paper, with 1-inch margins on all four sides of the paper. You must number each page. Courts are sticklers for rules; where a submission does not
conform to the court’s rules, the court may reject it. **In much the same way, work that does not follow these rules will not be graded.**

Please keep a copy of each assignment you submit. If you are submitting an assignment to my assistant, Marcela Fernandez, please have both the copy you are submitting and the one you are retaining time-stamped by Ms. Fernandez. 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:** As discussed above, after I have read your first and third writing assignments, I will meet with you individually to discuss in detail the strengths and weaknesses of your memo. I will try to provide you with my written critique of your paper the day before your conference. To get the most out of our conference, you should carefully review my critique of your paper and bring to the conference any 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. I will expect to see my comments reflected in your rewrites.

**Attendance:** You are expected to attend every class. In accordance with American Bar Association standards, any student who fails to attend at least eighty-five percent of our regularly scheduled classes, may be administratively withdrawn from the class. I will provide a sign-in sheet for each class. It is your responsibility to sign the sign-in sheet. If you exceed the permitted absences by failing to sign in, you may be administratively withdrawn from the course. No additional prior notice will be given and you will receive notification from the Office of Academic Records indicating the withdrawal.

**Grades:** Legal Analysis Assignment 1 will not count toward your final grade in this course. Writing assignments 2, 3, and 4 constitute 75% of your final grade (they are each worth 25%). Your research constitutes 10% of your final grade. A quick turnaround email memorandum constitutes 5%. The remaining 10% of your grade will reflect an evaluation of your professionalism, including but not limited to: attendance; punctuality; class participation; preparation for and participation in your individual conference; timely and diligent preparation of all assignments; attendance at research sessions and Westlaw and Lexis trainings; and completion of the Core Grammar program.

Your major writing assignments are evaluated on the following:

- **Legal Writing:** This includes, but is not limited to, organization, clarity, precision, conciseness, tone, proper presentation of authority and rules, use of quotations, citation form, use of the CREAC structure…

- **General Writing:** Grammar, punctuation, paragraph structure, sentence structure, spelling, diction, style, and other characteristics of good writing.

- **Analysis & Research:** Formulation of issues, selecting and interpreting appropriate authority, development of policy arguments, legal reasoning, addressing counter-arguments, emphasis and de-emphasis of facts and persuasive strategies.

**Laptops:** As you may have heard, some professors have banned laptops in class. I have not. When you enter the practice of law, you will undoubtedly have access to a computer during your workday. It will be your responsibility to use that computer responsibly and professionally. During the workday, your employer will expect you to use your computer for work—not for
chatting, emailing, tweeting, surfing the Internet, or playing games. I expect the same. You are more than welcome to use your laptops in our class for note taking and other class-related purposes. 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.

**Assistant:** Marcela Fernandez is my assistant. She is in room 216. Her phone number is 516-463-4761.

**Office:** My office is room 032. You are welcome to drop by my office at any time. Indeed, I encourage you to do so. If for some reason I cannot meet with you right away, we’ll find a time to do so.