

Course Overview & Guidelines

Course Overview & Introduction.

Congratulations on starting your legal career. From now on, your pen – well, your laptop – will be your professional tool. In the course of your career, you will be called upon to write a wide variety of documents. To write effectively, you will need to learn how to analyze questions presented to you and research the issues involved. And before you write the first word of any document, you will need to read actively, think critically, outline carefully, and reason thoroughly.

Lawyers are ultimately problem solvers. You will learn in this course how to direct your writing effectively toward the appropriate audience in order to solve problems. The legal profession is filled with busy, overworked people, from senior lawyers at your office to judges and clerks in the courthouse. Concise, precise writing will allow you to make your point. Most importantly, you will come to understand that legal writing is primarily a way to communicate.

Like all skills, legal writing requires practice. As such, we will spend a great deal of time on revision in this course and you will receive substantial individualized feedback. Revision is a crucial part of the writing process. As Louis Brandeis said: “There is no such thing as good writing, only good rewriting.” Together we will discuss and engage in critiques, revision, and reworking that will strengthen your legal writing skill set.

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;
- how 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.

Class Schedule: This course is scheduled to meet Mondays and Thursdays from 8:10-10:00 a.m. Toward the beginning of the semester, we will meet more often as we work through the basics of legal writing, research, and citation. As the semester progresses, we will likely meet only one day per week. The course is “front loaded” to allow us to cover our materials early enough in the semester that you will be able to focus solely on your final exams during exam period.

Expected Workload: The American Bar Association requires that you spend at least four hours per week outside of class studying for this 2-credit course. This is an average amount of time required for out of class work per week over the course of the semester. The time you will spend throughout the semester completing the homework for class as well as researching, drafting and revising the graded writing assignments for this course will satisfy (and likely exceed) that time commitment. This is in addition to the two hours of class time.

Books: The primary text for the course is Neumann, *Legal Reasoning and Legal Writing* (7th ed.). We will also be using the *Bluebook* (20th ed.), *Interactive Citation Workbook for the Bluebook*, and Sloan, *Basic Legal Research Tools & Strategies*.

Electronic Requirements: You must sign up on TWEN for this course. I will advise you when the page is available. I may post assignments on TWEN and you are responsible for checking the email address you use to subscribe to TWEN. You are also required to purchase and complete an 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 undertake four legal analysis assignments:

- Legal Analysis Assignment 1 – This is a “closed” memo, which means that 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 - This is an “open” research office memo, which means that you will be undertaking your own research. 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 a quick-turnaround memo via email as well as 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. Please understand that *any use of uncredited ideas or words constitutes 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. **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 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.

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 employers, clients, nor professors will be sympathetic to requests for extensions that demonstrate poor planning on your part. 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. If a problem arises, please reach out as soon as possible. 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 12-point Times New Roman 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, please have both the copy you are submitting and the one you are retaining time-stamped. 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 Revision: 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. Revision is a key part of the legal writing process; you can expect to seek critique and undertake revision frequently throughout your legal career. 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 (the rewrite of Assignment 1), 3, and 4 constitute 75% of your final grade (they are each worth 25%). 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, and use of CREAC.
- **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: You are new to law school, but you are not new to studying, and you know how you learn best. You are all adults who are investing a great deal in your legal education. If you choose to bring your laptop to class, it is up to you to use that computer responsibly and professionally. Just as your employers will expect you to use your computer for work—not for gchat, facebook, personal emails, surfing, or 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.

Communication: I want to hear from you! Remember, communication is key to the practice of law. Get used to reaching out early if issues arise, and not waiting until the last minute. I will set up office hours based on your class schedule and let you know what those are. Our excellent teaching assistant, Sydney Spinner, will also make herself available for your questions. Outside of office hours, the best way to reach me is by email (meg.d.holzer@hofstra.edu). You can always email me to set up an appointment, and I encourage you to do so.