Purpose of Course. Legal Analysis, Writing and Research is a required course for good reason. Your writing, research and analytic skills will determine much of your success in the legal profession. As clerks or associates, you will prepare many memoranda and other writings to document your legal research and analysis for colleagues, clients or supervising attorneys. Whatever area of law you ultimately practice, good research and writing skills are essential.

Because the problems lawyers face are often complex, lawyers must choose their words carefully for accuracy and clarity. Effective legal writing is the vehicle to make your research and analysis useful and it requires great discipline and skill. When courts, clients and employers ask you to produce written work, they expect specific answers to specific questions, backed up by thorough and precise research and analysis, and they expect you to communicate your analysis clearly and accurately. This course will teach you that you cannot officially draft one word about a particular law until you have thoroughly researched and analyzed that law. This class will also teach you how to use research and analysis to guide your writing, to properly cite legal authority, and to allow the framework of the law to organize your writing.

Legal Analysis, Writing and Research is a two semester course. In the fall, we will focus on the foundations of legal analysis, legal research and predictive writing. You will write and re-write two objective memoranda. The second semester will focus on persuasive writing through the drafting of trial and appellate briefs. In preparation for the rigors of practice, some assignments will entail quick turnaround times, while others will have a later deadline. In addition to drafting office memos and briefs, you will also learn to write in other formats and under time constraints. For example, you will prepare on short notice an advice email memo. You will also take a timed MPT – style writing exercise, to build your ability to analyze legal authority in order to solve a problem in a short time frame. In the spring, you will have the opportunity to participate in a simulated oral argument. Throughout the year, you will receive substantial individualized feedback. Above all, you will approach legal analysis, research and writing as a process that begins now and will continue throughout your career.

Learning Objectives. Legal Analysis, Writing and Research is 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
• how to efficiently perform legal research, including the use of various types of legal research materials and how to access them, both in print and electronically.

**Assignments.** LAW & R I will teach you how to analyze and apply the law objectively in two mock disputes, predicting the most logical outcome of each dispute as if it were decided by a court of law. To do this, you will read about and discuss analytic and writing techniques, exercise those techniques in and out of class, and then prove your skills through careful completion of varied assignments.

You will be given four major assignments. These assignments will count for seventy-five percent (75%) of your grade. 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. We will have individual conferences on assignment 1. After your assignment 1 paper is critiqued, you will rewrite it and turn in the rewrite as assignment 2. Assignment 3 will be a predictive memorandum of law in which you will first research and then analyze another set of factual and legal issues. You will hand in a research journal prior to your submission of assignment 3 which explains not only your research results, but the process you used to create and execute your research paths. After you submit assignment 3, we will again have individual conferences. After the conferences, you will rewrite assignment 3, and the rewrite will be assignment 4. However, on rewrite, you will reach the opposite conclusion as you did on assignment 3. In addition to the four major memos, there will be a short email advice memo and a number of short homework assignments including separate citation and research exercises.

**Expected Workload.** The American Bar Association requires that you spend at least two hours per week, on average, for every credit hour of class. Thus, for this two credit course, you are required to spend **at least four hours per week, on average, outside of class, studying and preparing for this course.** This is in addition to the hours we spend in class.

**Grades.** Assignment 1 is pass/fail. Assignment 2 is worth 25% of your final grade. Assignment 3 is worth 25% of your final grade. Assignment 4 is worth 25% of your final grade. The email advice memorandum is worth 5% of your grade. 10% of your final grade is based on research skills, including the legal research assignments you submit and your research journal for assignment 3. The remaining 10% of your grade will reflect an evaluation of your professionalism. Your legal career begins on the first day of law school, and you are therefore expected to behave professionally. Your work and conduct will be judged according to professional standards. Professional behavior includes, but is not limited to:

• Being attentive and prepared for class and participating in class discussion;
• Completing all assignments on time and in a satisfactory manner;
• Attending all classes, arriving on time, and refraining from walking in and out;
• Attending all research sessions and Lexis and Westlaw training;
• Complying with course policies, including the computer policy;
• Completing the “Core Grammar for Lawyers” program in a timely fashion; and
• Maintaining a professional and appropriate demeanor.
**Texts.** The main text for this course is Neumann and Tiscione, *Legal Reasoning and Legal Writing* (7th ed.). We will also use *Basic Legal Research: Tools and Strategies* (6th ed.) by Amy Sloan. You are also required to purchase and complete the online grammar program “Core Grammar for Lawyers.” We will discuss the specifics of obtaining and completing the Core Grammar program during our first class. In addition, your written work must conform to the rules in *The Bluebook* (20th ed.), which is also a required text. Unless instructed otherwise, please bring the Neumann text and the Bluebook to class each session.

**Classes.** Legal Writing is scheduled to meet Tuesdays and Thursdays from 10:10 am until 12:00 noon. There will be a few additional sessions in the library for computer research training. Early in the semester we will need to meet on both days, learning the basics of legal writing and preparing for the research and writing assignments. As the semester progresses, the class will generally meet one day per week, with the other reserved for office hours. The course is “front loaded” to allow you more time to prepare for your final exams toward the end of the semester.

**Attendance.**
Regular attendance is a requirement of the course. Anyone who is absent for more than 20% of the class sessions (three class sessions) will not receive credit for the course. I will provide sign-in sheets for each regularly-scheduled class, **which shall be the dispositive evidence regarding your attendance or 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.

You are responsible for all assignments due and for all work missed on any day you are absent from class. If you exceed the permitted absences, you will be administratively withdrawn from the course. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you believe you must be absent from class for more than the permitted number of hours, you should contact me and the Office of Student Affairs as soon as possible. Accommodations may be made for students who must be absent for religious reasons and in cases of truly compelling hardship. Any request for an exception must be submitted to the Office of Student Affairs, accompanied with appropriate documentation.

Lastly, late arrivals are disruptive to the class. In the spirit of courtesy and professionalism, please make every effort to arrive on time to class and avoid walking in and out during class.

**Computer use during class.** The use of your computer in class is a privilege that is intended to facilitate your work in legal writing. You are to limit your use of the computer during class time to note-taking and other work related to legal writing class. It is not only distracting and rude to surf the web, do instant messaging or use your computer for any purpose unrelated to legal writing during class time, but also impairs your class performance.

*Anyone found using his or her computer during class time for any purpose other than Legal Writing will not be permitted to use the computer in class for the rest of the semester.*
Violation of this policy will impact your grade. I reserve the right to prohibit the use of computers in class all together.

Also, as a courtesy to your fellow students, please silence your cell phones and other electronic devices during class.

**Twen.** This course will use TWEN (the West Educational Network), an on-line means of communicating course information about contracts. Please sign up for TWEN at [www.lawschool.westlaw.com](http://www.lawschool.westlaw.com). This course can be accessed under my name as “Legal Research and Writing.”

**Independent work.** One of your goals for this course is the development of your analytical and writing skills. Your work must therefore represent your independent effort. Unless you have express permission from me, you should assume I do not permit any collaboration on assignments. Do not discuss your arguments or research with others. This includes other students, friends or family members who offer to help you. Any use of uncredited ideas or words constitutes plagiarism. If your words or arguments show up in another student’s work, your work and your classmate’s work may appear plagiarized.

*To assure independent work you may not show anything you have written (even a rough draft) to anyone else for any purpose before you turn your work in. This includes any help in editing or proofreading from anyone at any time.*

**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 or 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. If you are charged with plagiarism, you cannot defend yourself by saying that you did not know that what you were doing was plagiarism. You are on notice of the rules and must comply with them. Make sure to put quotations 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. Any violation of this or other rules of the Code of Academic Conduct will be reported to the Vice Dean and may result in discipline up to and including expulsion from the Law School. In addition, violation of the Code of Academic Conduct or other course rules will adversely affect your final grade.

**Turning in Assignments.** Assignments must be submitted in a timely manner. When submission is not on a day the class meets, assignments must be submitted to my assistant, Betty Black in room 216 no later than 12:00 noon on the due date. Neither senior partners nor law clerks are sympathetic to requests for extensions of time from lawyers who cite computer problems or other reasons that reflect poor planning. You need to prepare yourself for this demanding environment. Accordingly, requests for extensions will be granted only for documented illness, family emergency or other cause beyond your control.

*Any extension must be requested in writing and obtained before the assignment is due. In the absence of an extension, lateness will result in substantial penalties, which will increase each 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.*

**Format of Assignments.** Your four major assignments must be typewritten on 8 ½ x 11 paper and triple-spaced (except for headings and block quotations, which are single-spaced). Use 1 inch margins on all four sides of the page and number each page. In order to keep page limits fair for all students, type your papers using Times New Roman and 12 point font. Make a photo copy of each assignment you submit and have both time-stamped by my secretary before you put the original in my “in” box in room 216. Keep your copy, in the unlikely event the submitted copy is lost.

**Conferences.** After 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 one day before your conference in your individual folder in room 216. Your re-write (assignments 2 and 4) will generally be due seven days after our conference, together with the earlier draft of the assignment with my comments. To get the most out of conferences, review my comments before the conference and bring your drafts, research journal, proposed edits or other relevant material.

**How your work is graded.** Your work on memo assignments 2 – 4 will be evaluated on the following categories:

- **Legal Writing:** Organization, clarity, precision, conciseness, forcefulness, proper presentation of authority and rules, citation form and other Blue Book rules, use of the paradigm structure, etc.
- **General Writing:** Grammar, punctuation, paragraph structure, sentence structure, spelling, diction, style and other characteristics of good writing. You are expected to carefully proofread your work before submitting it.
Analysis and Research: Formulation of issues, selecting and interpreting appropriate authority, development of arguments, discussion of policy, legal reasoning, emphasis and de-emphasis of facts, and persuasive strategies.

Each assignment or rewrite that is returned to you will evaluate each of the relevant categories. Each evaluation will be based in a standard of P (Proficient) through XW (extreme weakness).

P (Proficient): The work shows original thought in stating and developing a central idea which is supported throughout with ample and appropriate support. Its ideas are clear, logical and thought provoking. It exhibits the positive qualities of good writing: (1) careful construction and organization of sentences, paragraphs and the writing as a whole; (2) careful choice of effective words and phrases; (3) clear focus on a main purpose with strategic development and firm, relevant support and proper citation form and (4) virtually no technical errors. The language is fresh, pointed and concise.

LW (Limited Weakness): The work has a clearly stated purpose and is logically developed. Although it indicates a basic level of competence, the “LW” paper lacks the excellence of thought, development and style which characterize the “P” paper. The work shows some – but not complete understanding and application of the skills expected. The language may be too wordy or general and the rule proof may need more development. The product is satisfactory, but needs improvement to become excellent.

SW (Substantial Weakness): The work shows weaknesses that are cause for concern. It has insufficient supporting material and may be poorly organized. The “SW” paper may have poorly developed paragraphs or repeated grammatical errors. It may be repetitious or confusing. Words may be imprecise, incorrect or vague. The “SW” paper needs thorough revision to more clearly state a central purpose, develop the explanation more fully and provide more support.

XW (Extreme Weakness): The work has fundamental deficiencies and reflects only a rudimentary understanding of the skills involved. It is not organized around a central purpose, is hard to follow, relies on insufficient or inappropriate authority, and includes serious grammatical or other errors. The distance to effectiveness is large and special efforts are necessary to bring skills up to a level of adequacy.

These reactions are intended to give you meaningful feedback. They will also be calibrated with pluses and minuses. Evaluation standards will become more demanding on rewrites and on later assignments. At the end of the semester, your grade will be tabulated through a formula based on the weight of each assignment.

Communications. My office is in room 219 and my office telephone number is 463-6165. However, the best way to reach me is by email at Susan.Joffe@hofstra.edu. I am generally in my office Mondays from 9:30 a.m. to 1:00 p.m., Tuesdays and Thursdays from noon to 2:00 p.m. and by appointment. Please do not hesitate to contact me with any questions.