

LAWR II---SPRING 2018---Professor Colesanti - j.s.colesanti@hofstra.edu

COURSE GUIDELINES

1. What this Course Is All About

Hofstra requires five credit hours in legal analysis, writing, and research in the first year --- three in the fall semester and two in the spring. Legal Analysis, Writing, & Research II (“LAWR 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 also take a timed MPT-style writing exercise. Research instruction, begun in the fall, is completed in this course. Also as in the fall, you will receive substantial individualized feedback and discuss with the professor rewriting techniques. At the end of the course, you will participate in a formal oral argument.

Classes (held on Tuesdays and Thursdays at 2:10 p.m.) start on Thursday, January 11th; there is an additional class at noon on Friday, January 12th.

Course Objectives and ABA Expectations:

The current class is designed to assist you in learning:

- how to employ additional levels of legal reasoning;
- how to more deeply analyze statutes, cases and other sources of law;
- how to conduct advanced legal research;
- how to tailor your writing to specific legal audiences;
- how to better discuss research results with a legal employer/supervisor;
- how to discern relevant facts and apply an appropriate legal principle to those facts;
- how to prepare public legal documents and to cite legal authorities therein; and
- how to prepare and present a timed oral argument.

The ABA expects that all law students spend at least 2 hours outside of class preparing for class for every 1 hour of class time. In a skills class such as LAWR II, the out-of-class work may far exceed that barometer.

2. How Your Work is Weighted for the Final Grade

Trial Motion Brief	5%
Research Journal	10%
Appellate Brief	25%
Rewrite of Appellate Brief	25%
Sample MPT exam	10%
Oral Argument	15%
Professionalism*	10%
TOTAL	100%

*Professional behavior includes, but is not limited to: attending all classes and arriving on time; preparing for and participating in class; exhibiting appropriate demeanor before classmates and the Professor; preparing for individual conferences; completing all written assignments in timely and diligent fashion; and timely attending advanced Westlaw and Lexis training classes.

As in the fall, laptops are not permitted in class.

3. Classes

Assume that all classes will be 1.5 hours in length unless the assignment schedule indicates otherwise. The total number of hours that we meet will not exceed those required for a 2-credit course. As in the fall semester, this class is front-loaded so that you may complete your obligations prior to the end of the semester and focus on studying for your exams in other courses. We will use Fridays if we need makeup classes due to snow or for any other reason.

4. Texts There is one additional text for LAWR II: *Oral Advocacy: Style and Substance*. That book shall be available from the Hofstra Bookstore in February. As in the fall, your written work must conform to the rules in the Bluebook (20th ed.). I may also give you supplemental materials to be read prior to particular classes over the semester.

5. When Things Will Happen During the Semester

The following chart provides you with a general overview of the schedule for the semester:

Assignment	Due Date
Mini-MPT Exam	January 19 th
Trial Motion	January 22 nd
Research Journal	Early February
Appellate Brief	Mid-March
Brief Re-Write	Early April
Oral Arguments	Mid-April
Rewrite of Appellate Brief	Late-April

***Please note that these estimates are subject to change.**

6. Rules for Research

When you are using hard-copy materials, be considerate of your fellow students' need for the same resources.

You may use the computerized research services (LEXIS, Westlaw, and Bloomberg). However, you may not look at Court Documents, Appellate Court Documents, Appellate Briefs, Trial Court Documents, Trial Court Briefs, Trial Court Pleadings, Trial Court Motions, Trial Court Memoranda, Trial Court Affidavits, Trial Filings or Jury Instructions.

You also may not seek advice from anyone, including, but not limited to, fellow students; LEXIS, Westlaw, or Bloomberg representatives; lawyers; judges; family members or friends for the purpose of 1) writing or revising your written submissions, and/or 2) helping you formulate your substantive research and computer search strategies. You may obtain technical advice from library or vendor staffs as to how to access various functions (e.g., accessing a Federal case law database).

7. Academic Honesty

The Law School's Code of Academic Conduct provides as follows in relevant part:

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. Among other things, be sure to put quotes around all words not of your own composition, and attribute each quote properly to its source. Also, attribute each concept 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. Section I(A)(3) punishes making "a material misrepresentation for the purpose of obtaining a benefit in connection with any matter for which academic credit is given." For example, if you make a false statement as an excuse for turning in an assignment late, you may be punished under this section.

If you violate any part of the Code of Academic Conduct, you will be reported to the Vice Dean for disciplinary action.

Throughout the semester you must not:

1. show anything you have written that will be graded (see ¶ 2) -- even fragments of a "rough draft" -- to anyone else for any purpose before you turn your brief in; this prohibition includes any help in editing or proofreading from anyone at anytime -- edit your own work;
2. discuss any of your graded assignments as detailed in ¶ 2 with anyone else (this includes other students, lawyers or judges -- even ones to whom you are related) until after you have made your oral argument in April;
3. discuss your oral argument (before you actually make the argument) with a lawyer or judge or with another student who has already made an oral argument;
4. attend any other oral arguments on your assignment until after you have made your own oral argument.

8. Asking Questions and Getting Information

One of the goals of this class is to help you become independently creative. The class is designed to develop your individual analytic and legal writing skills and to help your teacher evaluate those skills. Your work should therefore represent your independent effort. Certain types of conversations with other students and with people outside the law school are also prohibited. See ¶¶'s 6 and 7 above.

9. Required Form for the Trial Memo, Appellate Brief, and Rewrite

Memoranda and Briefs must be typed on 8.5 x 11-inch pages and double-spaced (except for headings and block quotations). Print on only one side of the page. Page numbers must be centered and appear at the bottom of the page, on each page (commencing with the first page). Use one-inch margins on all four sides of each page. In order to keep the page limits fair for all students, your paper must be printed in 12-point font. You must use Times New Roman font. Avoid “industrial” staples/staplers.

Citations must conform to the Bluebook. Submissions must be clear and legible.

Your name should appear in only one place in the Memo/Brief: on the back of the last page. Use a pseudonym for the cover and Indorsement on the last page.

10. Submitting Your Trial Memo, Appellate Brief and Rewrite

When assignments are due on the day of a scheduled class they may be handed to me in the classroom at the start of class. Expect heavy printer usage; concurrently, if you come to class late, you risk a grade penalty.

When assignments are due on a day when no class is scheduled they are to be brought to Room 216 by 2:10 p.m. for a time stamping. Again, late submissions risk a grade penalty.

Make sure that you retain at least one clean (unmarked-up) copy of your Trial Memo, Appellate Brief, and rewritten Appellate Brief; you may want to use one of these items as a writing sample.

11. Requests for Extensions of Time on Graded Writing Assignments

Neither law firm partners nor court personnel (for those of you planning a transactional practice) are sympathetic to requests for extensions of time from lawyers who cite computer or printer problems, religious holidays, 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 on any written assignment listed in the chart in ¶ 2 will be granted only for documented illness, family emergency, or other cause beyond your control. Doctor’s notes should be timely submitted to the Office of Student Affairs. Any extension must be obtained before the assignment is due.

Make sure that you finish your "final" draft of the assignment with sufficient time to spare to correct any unforeseen computer or other logistical problems. Remember that if you

rely on university computers and printers there will likely be availability problems as the deadline for the assignment approaches.

In the absence of an extension, lateness will result in substantial penalties.

12. Conferences and Preparation for Conferences

Original Appellate Brief: After I have graded the original Appellate Brief, I will meet with you to go over it in detail. To get the most out of the critique, you should study my comments carefully before the conference begins. You should review any portions of the text or the Bluebook to which my comments might refer you, and bring with you your class notes, your Research Journal and any other material you think might be helpful in our discussion of your work.

Rewrite:

After finals, your marked-up rewrite of the Appellate Brief and a breakdown of your final grade for the course will be available from Room 216.

13. Appellate Oral Argument

Each student is permitted approximately 10 minutes of oral argument. An oral argument schedule will be distributed in late March. Appear at the appointed room a few minutes before the time scheduled for argument in suitable courtroom attire.

14. How Your Work Is Graded

As in the fall, your assignments shall be graded on a scale indicating the assignment's percentage of the final grade (e.g., 8/10, 22/25). Higher grades are accorded to work that shows proficiency at the skills expected and control of the subject matter. Lower grades are accorded to work that has fundamental deficiencies and reflects only a rudimentary understanding of the skills involved.

15. Communications

My office is Room 034, located at the West end of the basement. My office telephone is (516) 463-6413. My assistant, Ms. Marcela Fernandez, sits in room 216 of the law school. If you would 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.

My office hours this semester are Tuesdays and Thursdays from 12:00 p.m.- 2:00 p.m. If I am not in my office, the best way to communicate with me is by email. Be certain to update TWEN if your e-mail address changes.

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. Likewise, even an excused absence from class does not justify being uninformed. If you will not be in class, make arrangements to have the assignment(s) delivered to me by the start of class.
