

# DNCS Syllabus

The course has a long name. Let's just call it DNCS.

---

***Subjects Covered in this Syllabus —***

1. Contacting Me Out of Class
  2. Textbooks
  3. Course Goals
  4. Email Distribution of Materials
  5. Class Attendance
  6. Professionalism
  7. No Laptops or Other Electronics in Class
  8. Exercises
  9. Submitting Assignments
  10. Exam
  11. Grading
  12. Medical Conditions
  13. Negotiations and Other Group Work
    - Getting Other Students' Email Addresses
-

## 1. Contacting Me Out of Class

To make an appointment, **contact me** — not my secretary. Email is the best way.

email address — [richard.k.neumann@hofstra.edu](mailto:richard.k.neumann@hofstra.edu)

office location — room 213 (end of the corridor that's opposite room 206)

secretary — Joyce Cox, room 216, phone 516-463-6339 [Joyce.a.cox@hofstra.edu](mailto:Joyce.a.cox@hofstra.edu)

## 2. Textbooks

They are in a total of three volumes, distributed from the basement copy room. They are parts of two books, which I authored and coauthored. To avoid putting you in the position of having to buy books written by the professor teaching the course, the copy room will print and bind pages like the supplements in other courses. The copy room will charge you the same per-page rate you have been charged for those supplements. But the total cost to you will be *much less* than buying the books themselves in the bookstore or online. These are the volumes:

<b>Drafting Book Part 1</b>	<i>Legal Drafting by Design</i> Chapters 1 to 3 Chapters 5 to 16 Appendices A & B
<b>Drafting Book Part 2</b>	<i>Legal Drafting by Design</i> Chapters 17, 18, and 20 Chapters 22 to 33 Chapters 37 & 38 Appendices C & F
<b>Skills Book</b>	<i>Transactional Lawyering: Client Interviewing, Counseling, and Negotiation</i> Chapters 2, 3, 5, and 7 (lawyering generally) Chapters 12 to 16 (negotiation)

Notice above that some chapters are omitted. That means that there are some gaps in the page numbering. For example, because we're not covering Chapter 4 in the Drafting Book, the page numbering in Part 1 jumps from page 42 (Chapter 3's last page) to page 57 (Chapter 5's first page). *If pages seem to be missing between chapters, don't worry about it. But if a page is missing inside a chapter, tell me.*

## 3. Course Goals

You'll be evaluated on the following learning outcomes. **Mastering them should be your goals.** Italicized citations are to the law school's Learning Outcomes for Graduating Law Students, which are posted on the school's website.

1. Be able to do the following at or above the **proficiency required of an entry-level lawyer** — to practice law effectively in your first post-graduate job. *Every assignment in the course addresses these goals.*
  - drafting contracts — 4(b)
  - communicating orally and in writing in a manner that meets the standards of the legal profession — 7(a)
  
2. Be able to do the following at **an introductory student level**. For entry-level proficiency, further study in an advanced course will be necessary.
  - analyzing and structuring transactions — 5(g)
  - problem-solving in light of a client's objectives, anticipating consequences and assessing risks — 6(b)
  - negotiating in transactional contexts — 6(d)
  - learning from experience through self-critique — 6(k)
  
3. *Every assignment and exercise in the course addresses the following goals.*
  - learn from experience through self-critique — 6(k)
  - act in professional settings in a manner that meets the standards of the legal profession— 7(a) & 7(b)

#### 4. Email Distribution of Materials

Material will be distributed through your Hofstra email address. If you use a non-Hofstra email address, please be sure that it reliably receives email forwarded from your Hofstra address.

#### 5. Class Attendance

A sign-in sheet will be circulated at the beginning of every class. If you have the sheet at the end of class, please give it to me on your way out. You are responsible for making sure that you sign the attendance sheet. This *must* be done in the classroom or *immediately* afterward in my office. My secretary won't allow you to sign the attendance sheet in her office.

You're entitled to three unexcused absences. Beyond that, every absence must be excused after presentation of a written and reasonable explanation of a compelling reason why you couldn't attend class. It's up to you to keep track of how many times you have been absent and how many of those

absences are unexcused. No one will notify you when you have used up your limit of three unexcused absences.

Falsifying a signature on an attendance sheet can lead to failure in the course and a charge of academic dishonesty under Part I(3)(e) of the school's Code of Student Conduct. When you apply for admission to the bar, a character committee will investigate whether you are honest enough to be entrusted with clients' work. By law, a school is required to report proven instances of academic dishonesty to the character committee of any state where you apply for admission to the bar. Signatures are spot-checked by comparing them to other examples of your signature on file with the law school.

A few times during the semester, class won't meet. That might happen, for example, when I meet instead with you individually or in small groups to go over your writing.

## 6. Professionalism

Professional schools are very different from college. In college, you were responsible only to yourself — which meant that if you studied poorly, only you would be hurt. Professional schools aren't run that way.

When a law school teacher looks at you, the teacher sees the thousands of future clients who'll depend on you after you graduate. The teacher, the school, and you are responsible to those clients.

From the first day you walk into the law school building as a student, ***you are expected to behave like a professional.*** Your work and conduct will be judged according to professional standards, which are much more demanding than the standards you experienced in college.

Class is a business meeting. ***You are expected to behave in class with the same level of professionalism that governs a lawyer's behavior in any meeting where the lawyer is an active participant.***

- It's unprofessional to *arrive late* without a compelling reason. If you walk into class late, you *must* see me after class and explain why. Unless you provide a compelling reason for tardiness, you'll be counted as having an unexcused absence. Compelling reasons do *not* include things like "I couldn't find a parking space." A professional plans ahead and allows extra time to arrive early at professional obligations.
- It's unprofessional to *leave the room* except in an emergency. If you leave the room during class, you *must* see me after class and explain why. If you don't explain an emergency, you'll be counted as having an unexcused absence. Needing to use the restroom isn't an emergency. In a courtroom, a trial will go on for hours. If you ask for a restroom break in the middle of a cross-examination, the judge's jaw will drop in astonishment. This isn't college. *Class is a business meeting.*

- It's unprofessional to *chat with people sitting next to you* while a business meeting is in progress. Chatter makes it hard for others to hear and for those speaking to make themselves heard. If you do this in class, other students will get angry at you and dislike you. If you distract others in this way, you and I will have a private conversation about maturity.
- If you're *cold-called in class and don't respond at all, as though absent*, you'll be counted as absent. If you have signed the attendance sheet and don't respond when called on, you and I will have a private conversation about honesty.
- You'll be counted as absent for any class in which you *violate the rules on electronic devices* explained below.

## 7. No Laptops or Other Electronics in Class

You may not use a laptop, tablet, cell phone, or any other electronic device during class. If you violate this rule, I will ask you to see me after class, and you may be counted as absent.

DNCS doesn't lend itself to laptop note-taking. When we do exercises in class, pay attention to the process of what we're doing, and make notes of what you're learning about the process. When we draft in class, don't bother to write down the final product you see on the screen at the front of the room. After class, I'll send that to you by email. Pay attention instead to the process.

Research shows that students who use laptops learn less than students who don't use them.<sup>1</sup>

Several studies have shown that laptop-using students do worse on exams than handwriting students.<sup>2</sup> According to two of these researchers, "students who took notes on laptops performed worse on conceptual [exam] questions than students who took notes longhand" because laptop note takers tend to "transcribe lectures verbatim rather than processing information and reframing it in their own words."<sup>3</sup>

Commenting on these studies, another writer said that "there is something about typing that leads to mindless processing. And there is something about ink and paper that prompts students to go beyond merely hearing and recording new information — and instead to process and reframe" so

---

<sup>1</sup> *Students are Better Off without a Laptop in the Classroom*, SCIENTIFIC AMERICAN, July 11, 2017; *The Writing's on the Wall*, NATIONAL JURIST, Fall 2018, at 10.

<sup>2</sup> *Should Teachers and Professors Ban Student Use of Laptops in Class?* N.Y. Times, Nov. 27, 2017.

<sup>3</sup> Pam A. Mueller & Daniel M. Oppenheimer, *The Pen Is Mightier Than the keyboard: Advantages of Longhand Over Laptop Note Taking*, PSYCHOLOGICAL SCIENCE (2014).

they learn more deeply.<sup>4</sup>

Students say in surveys that they are more satisfied with the learning environment in no-laptop courses. Although some students prefer to use laptops, a larger number of students in the surveys say that classrooms are quieter, they can hear the teacher and other students better, and they feel more engaged in the classroom experience with fewer distractions.

## 8. Exercises

Exercises are done in nearly every class.

Although you won't receive a grade on the class exercises, failure to do them diligently could result in a lower final grade. These exercises are the focus of much of the in-class work and are critical to learning deal lawyering. They'll be thoroughly reviewed in class. Students who put significant effort into preparing the exercises *before* class tend to learn the most from the course and generally perform well on assignments and the final. The converse is also true.

Don't submit written answers to exercises to me. Instead, use your answers during the class discussion.

**Before class:** Most exercises involve redrafting material in the textbooks. Before class, I'll send you Word files with that material. If an exercise involves redrafting, do that part of the exercise in the Word file. If you'd rather work in WordPerfect, which professional writers often consider better software, let me know, and I'll distribute in both formats. (Don't be shy about asking; it's easy for me to do both.)

After you have done the exercises, print the Word (or WP) files and bring them to class. *You won't be able to use your computer during class.* (See "No Laptops in Class" above.)

**During class:** You'll probably be called on to explain how you did an exercise and why you did it that way. During class, pay attention to the *process* of drafting. Don't write down what you see on the screen at the front of the room. Whenever you have an insight into *the process* — how to draft — write the insight down. Except for that, writing fewer notes might be better than writing many of them. Be active in the classroom. Be part of what we're doing.

**After class:** After class, I'll send you a PDF of the final product we did in class. (*You don't need to write down what you see on the screen in class.*)

---

<sup>4</sup> Wray Herbert, *Ink on Paper: Some Notes on Note Taking*, at <http://www.psychologicalscience.org/index.php/news/were-only-human/ink-on-paper-some-notes-on-note-taking.html>

## 9. Submitting Assignments

During the semester, you'll turn in three or four assignments.

When submitting an assignment —

1. Put your name in a header on every page.
2. Paginate (*what would happen if your pages were to become scrambled when I print them?*).
3. Submit your work by email. Send two attachments. One must be a wordprocessing file (Word or WordPerfect). The other must be an Adobe PDF. They must be identical in content. One of the two attachments will be graded. You won't know in advance which it will be. No grade will be changed on the ground that the attachments differ in content.

Create the pdf just before you submit. And then, before submitting, inspect the pdf in Adobe to insure that it's identical in content to the wordprocessed file. To create a pdf in Word, click on "save as" and then click on "pdf." To do it in WordPerfect, click on "file," then "publish to," and then "pdf" (or, if you see "publish to pdf" in the "file" drop-down menu, click on that).

4. Keep a hard copy (in case your computer crashes).

Feel free to share *ideas* with other students. But *do your own writing*. Soliciting or receiving the aid of anyone outside this class, such as a practicing lawyer, is prohibited.

## 10. Exam

There will be an exam during the school's regular exam period. It will be proctored and scheduled like other exams. It will involve drafting under an exam's time pressure. Lawyers must be able to do that.

## 11. Grading

Final grades are based on the assignments described elsewhere in this syllabus as well as on the exam. Here is the credit breakdown:

- |     |                                 |
|-----|---------------------------------|
| 55% | assignments during the semester |
| 10% | class participation             |

35% exam

You're entitled to three unexcused absences. If you miss more than three classes and have not provided excuses for the extra absences (see *Class Attendance* above), your end-of-semester point total will be reduced by three points for each excess unexcused absence. For example, if your assignments, exam, and class participation add up to 81 points and you have five unexcused absences (two of which are penalized), your final grade will be based on only 75 points.

## **12. Medical Conditions**

If you have a medical condition that might be relevant to school work, such as ADHD or dyslexia, please feel free to discuss it with me privately so we can work out something that could be helpful to you in the course and perhaps in school generally.

## **13. Negotiations and Other Group Work — Getting Other Students' Email Addresses**

At some point during the semester, you'll probably need to contact other students by email. If you don't already know a student's email address, go to the webpage below, using it to send a message to the other student. In your message, ask the student for his or her email address. Then you can send emails directly to the student, skipping the webpage.

[http://www.hofstra.edu/About/direct/direct\\_student\\_email\\_locator.cfm](http://www.hofstra.edu/About/direct/direct_student_email_locator.cfm)