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LEGAL ANALYSIS, WRITING & RESEARCH I
COURSE OUTLINE AND GUIDELINES

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. In the fall semester Legal Analysis, Writing & Research I course, you will learn the basics of legal analysis, print and electronic research, and predictive writing, focusing on the writing process through writing and re-writing of office memoranda; you will also be introduced to persuasive writing and complete other assignments that will assist you in developing your skills in both writing and analysis. You will receive substantial individualized feedback, including one-on-one conferences with the professor to critique your written work. Legal Analysis, Writing & Research II continues to develop your skills in research and persuasive writing through the drafting and re-drafting of an appellate brief. In order to familiarize you with the type of time constraints that lawyers are often confronted with in practice, you will write a quick-turnaround email advice memo in the format of an MPT-style writing exercise. As in the fall, professors provide substantial individualized feedback and discuss rewriting techniques as well as methods through which each student can improve. At the end of the course, students participate in an oral argument.

Learning Objectives. Below is language from the Law School's list of approved Learning Outcomes that are relevant to this course:

1. **Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context.**

Performance Indicators and Examples:
- *Writing* – Writing analytically and persuasively, and drafting legal documents such as contracts. statutes, client communications, opinion letters and the like.
- *Basic legal analysis, fact development and law-finding* – Extracting rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes; conducting investigation of facts and constructing a coherent narrative based on that investigation; identifying legal issues in facts and applying rules and policy to facts; weighing evidence to reach factual inferences; constructing arguments and identifying flaws in an argument; performing comprehensive legal research; analyzing and structuring transactions; presenting analysis orally and arguing orally; using policy to analyze and persuade.

2. **Exercise of proper professional and ethical responsibilities to clients and the legal system.**
Performance Indicators and Examples:
- *Professional identity and perspectives* – A student shall learn how to: present written and oral communications and conduct him or herself in professional

settings in a manner that meets the standards of the legal profession; conduct him or herself in accordance with standards of professional conduct; fulfill a lawyer's commitment to competence, integrity, accountability, and social responsibility; and apply the principles and policies reflected in the law governing lawyers, including a lawyer's duty of loyalty to clients, fiduciary duties, and obligation of zealous representation.

3. **Entry-level lawyering capabilities needed for competent and ethical participation as a member of the legal profession.**

Performance Indicators and Examples:
- At the level of proficiency required for effectiveness as an entry-level lawyer, and in a manner appropriate to a student's professional goals, examples of such capabilities include: strategic planning and developing a plan to accomplish a goal; problem solving in light of a client's objectives, anticipating consequences and assessing risks; recognizing the most common ethical and professional liability dilemmas and resolving them with high professional standards; negotiating in both dispute and transactional contexts; counseling clients; interviewing; performing basic trial tasks (including using the rules of evidence); using procedural tools such as motions and discovery; utilizing experts and expert knowledge; working collaboratively; learning from experience through self-critique; managing projects within time and resource limitations; presenting orally outside of litigation; and using technology in legal practice.

Expected Student Workload: The American Bar Association requires that you spend at least six hours per week outside of clas**s** studying for this 3-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 three hours of class time.

Computer Requirement: Because the homework and the handouts are all posted on TWEN, you will need to bring your computer to every class session in order to maximize your participation.

Assignments. During the fall semester, you will be given four major writing assignments. Those assignments will be graded and will count for 80% of your final grade. Legal Analysis Assignment 1 is a detailed outline of the first office memo that you will prepare. That assignment will be graded and returned to you with individualized comments. We will also workshop that assignment in both individual conferences and in class as a group. After Legal Analysis Assignment 1 has been critiqued, you will rewrite it as a full office memo and turn in the rewritten version as Legal Analysis Assignment 2.

Legal Analysis Assignment 3 will be an open research office memorandum in which you will first research and then analyze another set of factual and legal issues.

You will hand in a research report prior to your submission of Legal Analysis Assignment 3 that explains not only your research results, but also the process you used to create and execute your research paths. After you have turned in Legal Analysis Assignment 3, we will have individual conferences on that assignment and it will also be critiqued as a group. You will begin to develop your persuasive writing skills on Legal Analysis Assignment 4 in which you turn your objective memo into a trial brief.

Classes. This course is scheduled to meet for four hours a week, some weeks we will meet for four hours (especially at the beginning of the semester), other weeks we will meet for less. I will always give you advance notice of the schedule, but please be aware that you must be available all four of the scheduled hours. The total number of hours that we meet will not exceed those required for a three-credit course.

Attendance Policy. The rules of the New York State Court of Appeals, the American Bar Association, and the Law School all require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of your regularly scheduled classes (whether excused or unexcused—the rules do not differentiate).

You will be responsible for noting your attendance in the manner dictated by the instructor for each regularly scheduled class, which shall be the dispositive evidence regarding your absence from a given class. Falsification of attendance is a violation of the Code of Academic Conduct. If you exceed the permitted absences, you will be administratively withdrawn from the course. No prior notice may be given, and you will receive notification from the Office of Academic Records indicating the withdrawal. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you are excessively absent from several classes, you may face additional sanctions, including but not limited to denial of certification of good and regular attendance to the New York State Board of Law Examiners, or other state bar examiners.

If you believe you must be absent from class for more than the permitted number of classes, you should contact the Office of Student Affairs as soon as possible. Accommodations will be made for students who must be absent for religious reasons and in cases of truly compelling hardship. Any request for an exception made to the Office of Student Affairs must be accompanied with appropriate documentation.

Seating Policy. All students will be required to sit in the same seat throughout the semester unless otherwise instructed by their faculty member. You will be permitted to select your own seat.

Texts. The primary text for the course is Neumann, Legal Reasoning and Legal Writing (9th ed.). In addition, your written work must conform to the rules in the Bluebook (21st ed.). We will also be using the Interactive Citation Workbook for the Bluebook. I may give you supplemental materials to be read prior to particular classes over the semester. Please bring your Neumann text, your Bluebook and your ICW

Workbook to class with you each time we meet. It is only necessary for you to bring <u>Basic Legal Research Tools and Strategies</u> by Amy Sloan when I instruct you to.

Independent Work. One of your goals for this course should be the development of your own creativity and analytical skills. Your work should therefore represent your own individual effort unless I specifically tell you otherwise; You may not:

1. show anything you have written -- even fragments of a "rough draft" -- to anyone else on the planet for any purpose before you turn your work in; this prohibition includes any help in editing or proofreading from anyone at anytime; and

2. discuss your research or assignments with anyone else on the planet, including another student or any lawyer or judge -- even one to whom you are related.

7. Academic Honesty. The Law School's Code of Academic Conduct provides:

I(B). <u>Plagiarism.</u>

1. <u>Definition</u>. 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. <u>The violation</u>. 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. You are on notice of the rules and must comply with them. 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 from which you got it.

The Code of Academic Conduct also contains other prohibitions that are particularly relevant to this course. <u>E.g.</u>, Section 1(A)(3)(prohibiting a "material misrepresentation for the purpose of obtaining a benefit in connection with any matter for which academic credit is given"); Section I(A)(2)(prohibiting damage to and hiding or unauthorized removal of library material). 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, violation of any of the course rules set out herein will result in a penalty to be deducted from your final grade.

Turning in Assignments. <u>Assignments must be submitted on the due date prior to the time indicated in the</u> syllabus <u>via the Assignments and Quizzes feature of TWEN.</u> Neither senior partners nor court clerks nor clients (for those of you planning a transactional practice) are sympathetic to requests for extensions of time from lawyers who cite computer or printer problems 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 will be granted only for documented reasons relating to illness, family emergency, or other legitimate, documented cause beyond your control. Any extension must be obtained before the brief is due.**   In the absence of an extension, lateness will result in <u>substantial</u> penalties, which will increase with each subsequent day. **<u>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.</u>**

You must type (**triple-spaced**, using 12 point font) each of the four Legal Analysis writing assignments on 8 x 11 inch paper. You must use Times New Roman font. Use 1-inch margins all around and <u>number each page</u>. Untyped work will not be graded.

Conferences and Preparation for Conferences. After Legal Analysis 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 24 hours before your conference. Your rewrite (Legal Analysis Assignments 2 and 4) will be due after our conference on the date that is indicated in the assignment sheet.

To get the most out of the critique, you should study my comments carefully before the conference begins. You should also review any portions of the Neumann text or the <u>Bluebook</u> to which my comments might refer you and bring with you your drafts or research journal and any other 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.

Prior to the commencement of each series of conferences, I will post a sign-up sheet on TWEN. Be certain to select a time that is convenient for you and show up for your conference on time. If you miss your conference, I will have to reschedule it, and that will work to your disadvantage in two ways. First, the time that you have to rewrite begins on the day of the originally scheduled conference -- and not any date to which it might be rescheduled if the rescheduling occurred because of your lack of attendance. Second, the rescheduled conference might not be a time that is particularly convenient for you (since you have to be squeezed into an already existing critique schedule).

How Your Work Is Weighted For The Final Grade. Legal Analysis Assignment One Outline will be worth 5% of your grade. Legal Analysis Assignments Two, Three and Four are each worth 25% of your final grade. Research (this consists of your performance on the Research Journal you will turn in prior to Legal Analysis Assignment 3) is worth 10% of your final grade. The remaining 10% of your grade will reflect an evaluation of your Professionalism. A student's legal career begins when he or she begins law school. Accordingly, students are expected to behave professionally. Professional behavior includes, but is not limited to:

-attending all classes and arriving on time (this is true whether you are in the classroom or attending online);

-preparing for and participating in class, including professional and appropriate demeanor with your classmates and the professor;

-preparing for and participating in your individual conferences;

-timely and diligent preparation of all assignments, including any research assignments or other homework assignments given throughout the semester;

-compliance with the course computer policy. Computers are to be used during class for class purposes only. They are not to be used to "surf the net" or send email or instant messages. Violations of this rule may lead to you being prohibited from using a laptop during class; and

-attending Westlaw and Lexis training classes.

How Your Work Is Graded. I provide substantial individualized feedback on each Legal Analysis Assignment. On each of Legal Analysis Assignments 1 through 4, you will receive an evaluation based on the following scale: P (for Proficient), LW (for Limited Weaknesses), SW (for Substantial Weaknesses), or XW (for Extreme Weaknesses). In more detail, those symbols mean:

P (for Proficient): The work shows proficiency at the skills expected and control of the subject matter. Criticisms are for the most part aimed at polishing the work or pointing out alternatives.

LW (for Limited Weaknesses): Significant improvements are needed, but at this stage the faults are not cause for worry. The work shows some -- but not complete -- understanding and application of the skills expected. Problems and errors do not cripple the writing at this point,

but they would be serious defects at a more advanced level, perhaps even on the rewrite. In other words, the product is effective, but not by a large margin.

SW (for <u>Substantial Weaknesses</u>): The work shows weaknesses that are cause for worry. The faults are substantial and seem to be caused by serious misunderstandings of the task at hand. The product is ineffective, but not by a large margin.

XW (for <u>Extreme Weaknesses</u>): The work has fundamental deficiencies and reflects only a rudimentary understanding of the skills involved. The distance to effectiveness is large, and special efforts are necessary to bring skills up to a level of adequacy.

<u>**Final Grade for the Course**</u>. At the end of the semester, your grade on each assignment will be tabulated through a formula based on the weight of each assignment (see above). The resulting figures will be curved to produce one letter grade for every student, representing the work of the entire semester. In this class, however, it is the evaluations described in the "How Your Work is Graded" section that give you a true sense of how your work is received.

<u>**Communications**</u>: I hold Zoom office hours as indicated in the assignment schedule. If you'd like to meet with me outside of office hours, you may arrange a mutually convenient time for us to meet by sending me an email. My email is lawars@hofstra.edu . All of our individual meetings will be via Zoom. One of the many reasons that I love teaching legal writing is the pleasure I take in getting to know you each of you; I look forward to building those relationships with you both inside and outside of the classroom.

The best way to communicate with me is by email. I check my messages frequently. If I need to communicate with you, I will do so by email via TWEN. You should check your email regularly for messages from me, and be certain to let me know if your email address changes. You should frequently check the email address that you provided through TWEN for communications from me. 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. Even an excused absence from class does not justify being uninformed.

<u>**Policy on Generative AI**</u>: Lawyers use technology. In fact, in most states lawyers have an ethical duty to remain aware of the benefits and risks of technology. But starting out as a law student, I urge you to use caution with new Generative Artificial Intelligence tools such as ChatGPT. While we'll certainly incorporate technology during this course at times, learning to manage AI tools as a lawyer requires you to first be trained–trained as a lawyer! If you give a hammer and nails to someone who is not a carpenter, they don't know how to build a house. If you give Generative AI tools to someone who is not a lawyer, they won't know how to create competent legal work product. The words these tools predict are often inaccurate or incomplete, and the output quality depends on careful prompting and inputs. Managing and effectively using AI for legal work takes skill. This class will help train you to carefully guide these tools. But you're not there yet.

Therefore, the use of Generative AI tools is explicitly prohibited on assignments in this course unless otherwise instructed by me, and constitutes a violation of the law school's Academic Integrity policy. Information derived from these tools is based on other published materials on the internet and, therefore, using the language without citation in any written work product constitutes plagiarism.

As of the date of this syllabus, for this class this prohibition includes the following Generative AI tools (and you should check with me if you are unsure about use of a particular tool): ChatGPT, GPT (any version), Google Bard, Cohere Generate, Claude, Microsoft Bing.