

WESTERN STATE COLLEGE OF LAW
Fall 2016
Honors Writing

Professor Eunice Park

- *Before the first day of class, you must enroll in the Lexis Web Course Page titled “Honors Writing – Fall 2016 – Park.” I will use this web page to post material and to make class announcements throughout the semester. Please sign up on the web page for automatic email alerts or check the web page regularly because you are responsible for all material and announcements posted on this web page.*
- *My office hours are Tuesday from 10 am – 4 pm and Thursday from 1 – 3 pm. Stay tuned in class and to the web course page for any updates. E-mail me directly for an appointment at epark@wsulaw.edu or stop by anytime!*

Overview

The goal of this course is to develop and refine your ability to write a law review-quality paper that you can submit to a competitive review for a legal writing competition. This course provides a structure to guide the process of choosing a competition, researching, writing, and editing a paper worthy of submission to a legal writing competition and publication in a law review journal.

This class is designed to satisfy the Western State upper level writing requirement (ULWR), which is based on guidelines established by the American Bar Association. You must earn a 2.0 or higher on the final paper to obtain ULWR credit. The final grade in this course will be based on your Brown Bag presentations, the Final Draft of the Outline of the paper, and the Final Paper.

1. **Required Texts (bring to each class)**
 - *The Blue Book: A Uniform System of Citation, 20th ed.*
2. **Recommended Texts**
 - *Scholarly Writing for Law Students*, Elizabeth Fajans, Mary R. Falk (4th ed. 1995).
 - *Academic Legal Writing*, Eugene Volokh (5th ed. 2016).
 - *Scholarly Writing: Ideas, Examples, and Execution*, Jessica L. Clark, Kristen E. Murray (2d ed. 2012).

These texts are on reserve at the library.

3. **Class Attendance, Participation and Grades**
 - Attendance is mandatory. You are allowed to miss a maximum of two classes. You will be required to sign-in at the beginning of each day of class. If you arrive late or leave early, you may be marked absent for the entire class. If you miss more than two (2) classes during the semester, you may be dropped from the class (See the Western State Attendance Policy, reprinted in the Student Handbook.) If you plan to miss a class, you should make arrangements with a classmate to get the notes.

- You must be prepared to meaningfully participate in each class. There is a significant difference between being unprepared and being unable to answer a particular question; you will never be down-graded for venturing an incorrect answer or asking a relevant question. You may have your final course grade increased by up to .2 to reflect consistent and outstanding contributions in class (“professionalism”). We reserve the right to decrease the final course grade of any student by up to .2 if the student is consistently unprepared in class, fails to participate in good faith in any in-class group activities, fails to complete any graded or ungraded assignment on time and in good faith (this includes the First Draft of Outline), or otherwise fails to conduct him or herself in a professional manner in class (this includes, but is not limited to, using your computer or phone during class for non-class related activities, checking emails and texts during class, or otherwise acting in an unprofessional manner in any aspect of the class.) Any incomplete or late assignment, or any assignment that does not appear to have been completed with a good faith effort, will result in a decrease in the student’s final grade.
- Your final grade in the course will be based on the following: (a) 20% for your two brown bag presentations; (b) 30% for the Final Draft Outline; (c) 50% for the final paper. In addition, the First Draft of Outline is a mandatory assignment and will be part of the calculation of the professionalism score as described above.
- The Final Draft Outline is to be submitted at the start of class. Your Final Paper is due at 4 p.m. on Tuesday, December 6. A hard copy of the Final Paper must be submitted directly to me and also uploaded to Safe Assign, by the due date and time. Both the hardcopy and the softcopy must be timely in order to comply with the due date. A late assignment is one handed in, or uploaded to Safe Assign, any time after it is due, even if it is late by one minute.

4. **Course Objectives**

This is an Honors course. As such, this course will further develop students’ abilities in the following Learning Outcomes, introduced in LWR I and/or II:

- Legal Analysis
- Legal Research
- Communication
- Advocacy of Legal Argument

Depending on the individual student’s writing topic, this course may introduce and/or develop the following additional Learning Outcomes:

- Doctrinal Knowledge
- Client Sensitivity and Cultural Competency
- Legal Ethics

5. **Out of Class Preparation**

You should expect to spend between 4-10 hours per week for out-of-class preparation. The expected out-of-class preparation time is not evenly distributed across every week of the semester; periods of more intense preparation are compensated for by less time required at other

parts of the semester. Students should review the syllabus and plan accordingly, noting the due dates for the various graded and ungraded assignments, including researching and outlining assignments, brown bag presentations, readings, on-line tutorials, conferences, and the final paper.

6. **Formatting Requirements for all written assignments**

- Typewritten, double-spaced, Times New Roman 12-point font.
- One-inch margins for the top, bottom, left and right margins. Note that if you are using Microsoft Word, you must set the margins to one-inch each, as the default setting for the left and right margins is 1.25 inches.
- Each page must contain a page number in the center of the footer, in Times New Roman 12-point font.
- All citations must conform to *The Bluebook* 20th edition format.

7. **Formatting Requirements for Final Paper:**

- The Final Paper must comply with the requirements of the chosen competition. The competition must be approved by me. The Final Paper must be no less than 15 pages, and comply with the formatting requirements for all written assignments, above.
- All citations must conform to *The Bluebook* 20th edition format.
- Any additional rules for the Final Paper will be posted on the Lexis Web Course Page.

8. **Disability Services Statement**

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

SYLLABUS

Class 1 **August 23**

- Introduction to Course
- Picking a topic and developing a thesis

Assignment:

- Research and choose a competition, work on thesis development, and find substantive expert – be prepared to share week 3
- Read: <https://www.law.georgetown.edu/academics/academic-programs/legal-writing-scholarship/writing-center/upload/thesis.pdf> (“Developing a Thesis Statement”)
- Pick, print out 3 key law review articles in substantive field, find commonalities among each that seem effective, be prepared to discuss in class next week
- Print out winning entries from chosen competition from last 2-3 years (as available)

Class 2 **August 30**

- Legal Writing Competitions: Initial research; structure of effective papers
- Preemption

Assignment:

Finalize thesis, continue researching paper topic & decide whom substantive expert will be: Be prepared to share next week in first of two Brown Bags

Class 3 **September 6**

- Brown Bag #1: Groups A & B - Thesis & Legal Writing Competition
- Researching: Beyond Cases, Statutes and Law Review Articles: Library presentation (Mahum Shere)

Brown Bag #1: Each student present chosen paper topic & competition rules, substantive expert Competition must be approved by me before today’s class.

10 % of class grade: presentation and participation

Assignment:

Continue research

Class 4 **September 13**

- Organizing & Outlining; Grading Guidelines for Outline
- Getting the most from your substantive expert/mentor

Assignment:

Continue working on outline; plan meeting with substantive expert

Class 5 September 20

In lieu of class, meet with substantive expert: discuss writing progress, substantive questions

Assignment:

Finalize First Draft Outline.

Class 6 September 27

DUE: First Draft Outline of legal writing competition paper.

- Small group work/peer review using rubric given in class 4.

Assignment:

Critically self-evaluate draft, using feedback provided by peer review. Prepare specific questions to bring to conference.

Class 7 October 4

In lieu of class this week, Mandatory Conferences re: research/writing progress. Bring wip and prepared questions to conference.

Assignment:

Finalize Final Draft Outline.

Before next class, watch on-line citation tutorials posted on wcp

http://stream.law.georgetown.edu/librarymedia/case_citations/case_citations_player.html

(Case citation 4:17min)

http://stream.law.georgetown.edu/librarymedia/statute_citations/statute_citations_player.html

(Statutory citation 2:56

min) http://stream.law.georgetown.edu/librarymedia/lawreview_citations/lawreview_citations_player.html (Law review citations 2:34 min)

Class 8 October 11

DUE: Final Draft Outline of legal writing competition paper.

30% of class grade

- Citations: Footnotes; advanced techniques (explanatory parentheticals, signals, subsequent history, etc.)
- Plagiarism review

Assignment:

Write full citations out for all cited materials: cases, statutes, secondary sources, etc. Bring to class for peer review.

Class 9 **October 18**

- Writing
- Revising
- The Abstract
- Small Groups: Review citations
- Self-reflection sheet for meeting with substantive expert

Final Draft of Outline will be returned.

Bring BlueBook to class today.

Assignment:

- Prepare specific questions to bring to conference based on reviewing feedback from Final Draft.
- Schedule meeting with substantive expert to take place before your Brown Bag presentation.

Class 10 **October 25**

In lieu of class this week,

- (1) Mandatory Conference re: Final Paper, Presentation; &
- (2) Meet with substantive expert before your Brown Bag & prepare for Brown Bag

Assignment:

- Meet with substantive expert, fill out self-reflection sheet, prepare for Brown Bag.
- Group A: post abstract on Discussion Board __ days before Brown Bag. __ __
- All: Read Group A students' abstracts on Discussion Board and comment before Brown Bag A.

Class 11 **November 1**

- Brown Bag #2: Group A - Legal Writing Competition Paper Presentation

Brown Bag #2: 10% of class grade: presentation and participation

Assignment:

- Meet with substantive expert, fill out self-reflection sheet, prepare for Brown Bag
- Group B: post abstract on Discussion Board.
- All: Read Group B students' abstracts on Discussion Board and comment before Brown Bag B.
- All: Continue working on paper.

Class 12 November 8

- Brown Bag #2: Group B - Legal Writing Competition Paper Presentation

Brown Bag #2: 10% of class grade: presentation and participation

Assignment:

Continue working on paper.

Class 13 November 15

- Editing, finalizing article
- Grading Guidelines for Final Paper
- Submission process

Assignment:

Continue working on paper.

Class 14 November 22

- Release Week for Writing

Assignment:

Finalize paper.

Class 15 December 6

DUE: Final Legal Writing Competition Paper

Upload to Safe Assign by 4 p.m.

Submit hard copy time and date-stamped to faculty secretary: 50% of final grade.

Argosy University

Institutional Learning Outcomes:

1. Analytical Reasoning

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

2. Effective Communication

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

3. Information Competency

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

4. Interpersonal Effectiveness

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

5. Personal and Professional Integrity and Ethical Behavior

Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society

6. Professional Competence

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.