

## SOLVING LEGAL PROBLEMS

### Course Information and Policies

- Required Texts: Materials will be provided in class. Students must provide their own three-ring binder and tabs with which to organize the class materials.
- Course Objectives: There are five main objectives for this course. They are:
1. to familiarize you with the performance test portion of the California Bar Examination;
  2. to further your skills in case synthesis and case analysis;
  3. to further your skills in fact gathering and factual application;
  4. to expose you to a broad range of documents lawyers can be expected to prepare; and
  5. to give you a better understanding of the multiple roles an attorney assumes in practice such as that of fact-gatherer, problem solver, negotiator, litigator and counselor.
- Course Methodology: The course uses past performance examinations and supplemental materials to teach the skills necessary to attain the above objectives. When working with the performance tests, you will be given instructions, a client file and a library of authorities. You will be asked to prepare some type of document using those materials.
- During the semester, we will discuss the various types of documents you might be asked to prepare on the examination and in practice. We will also discuss the strategies, skills and methodologies necessary for preparing those documents.
- To facilitate your understanding, the course is organized into three units. We spend approximately four weeks discussing and working with documents that have an analytical (objective) or fact-gathering component to them. We will spend approximately four weeks discussing and working with documents that have a persuasive component to them. We will spend approximately two weeks focusing on documents that do not fall neatly into either category and which include, wills, contracts, statutes, etc.
- There is no substitute for learning to take a performance examination or learning to prepare legal documents. To develop test-taking skills, you must actually take the exam under test conditions. Therefore, as we complete each unit,

you will take a three-hour examination in class that will require you to prepare all types of documents that we have discussed to date. You will also have assignments, in which you will be expected to take a performance examination at home, under test conditions. However, to gain an understanding of the particular legal document involved, you must actually prepare the document. Thus, when you are doing the homework assignments, even if you exceed the three-hour time limited allotted for the examination, you must still continue until you have completed the task you are assigned.

You may not do any of the assigned exercises or in-class examinations with any assistance from anyone. You must assess your own strengths and weaknesses. Once you have completed the homework assignments, you may meet in groups to review a sample answer and discuss it. After you have taken an in-class examination, you may not discuss it with anyone until the exams are handed back to you.

Homework:

All assignments must be completed for the week they are assigned. You are ***required*** to bring ONE hard copy to class or you will be considered unprepared for that class. You are also required to email me your homework assignment prior to 6:30 pm of the class it is due. Your emailed assignment must be in one document (even if you have multiple assignments due that day) and emailed to **SLProckz@gmail.com**.

Class Preparation:

If you are unprepared, you will be treated as absent for that day. You will be automatically withdrawn from the course if you are unprepared on two occasions. You must do all of the required work for each class in advance of that class. The Professor may collect any assignment on any given week – therefore your exam number is the only identifier to be placed on your assignments. Assignments may be written or typed. ***If your assignment is stored on your computer, it is imperative that you have ONE printed copy available at the start of each class to follow along in class.***

You will not have your grade reduced, nor be withdrawn from the course, simply because you venture an incorrect answer during class discussion, unless the answer, and/or your work product reflect inadequate effort and preparation. You may be excused from participating once during the semester for any reason by requesting an excuse prior to the start of class that day. While you may be excused from participating that day, if you have not

completed the homework assignment for that day, you will still receive a 0.

**Course Grading:**

Your grade is based on the points you accumulate over the course of the semester, out of a total of 500 points. This course does not include a midterm or final examination.

You will take four three-hour in-class performance examinations during the semester, each of which is worth 100 points. You are required to take the examinations at the time offered. If you cannot take an examination during its regular administration, or require accommodations, please consult the Professor well in advance.

Class assignments discussed above account for 100 points of the total. If you are absent on a day that a class assignment is due it is your responsibility to ensure that the Professor receives your assignment on that day by email prior to 6:30 pm.

**Course Participation:**

Legal education is a cooperative venture, and individuals who practice law must be able to orally communicate their ideas. Therefore, class participation is mandatory. You may request one excuse during the semester for not participating in a class discussion for any reason IF you request that excuse from me prior to the commencement of that class. Each student's performance will be graded as noted below:

I intend to adjust your final course grade based on class participation and performance as follows:

1. Extraordinary Participation: up to 2 points upwards for student whose class performance is in that category (2.7 → 2.9)
2. Above Average Participation: up to 1 point upwards for student whose class performance is in that category (2.4 → 2.5)
3. Average Level Participation: no push or pull points
4. Below-Average Participation: one point downward for student whose class performance is in that category (2.7 → 2.6)

**Attendance:**

A class attendance sheet will be circulated at each session. If you arrive late or leave the class early, you will be considered absent for that session. If you miss more than 2 classes during the semester, you may be withdrawn from the class in compliance with ABA and WSU attendance requirements.

**Seating Chart:**

I will distribute a seating chart at the beginning of the first class. Please print your name in the space reflecting the seat you have chosen for the semester.

Office Hours: If you would like to meet with me, I will have office hours before every class, in which an exam is not being held on Tuesday. Please email me 48 hours in advance so that I may adjust my schedule to ensure I am available to meet with you. I am also willing to meet with you after class.

Email/First Sign-In: From time to time, I may send emails that will contain pertinent information related to the course or changes to the course syllabus or assignments. I will distribute an email list along with the first attendance sheet. Please be sure to provide an email address that is up-to-date and that you check regularly. It is your responsibility to check this email regularly and adhere to the instructions and/or changes to the syllabus and assignments as provided for therein.

Laptop Computers: Laptop computers ***will not be allowed*** in this course. You may utilize them in sessions in which we have in class exercises with prior approval from the Professor and on examination days. There may be instances in which we will engage in writing activities during class. Should you feel more comfortable working from your laptop on those assignments where permitted, you may want to have your laptop readily available.

Similarly, do not allow your cellular phones or similar devices to ring during class. If an anticipated emergency situation requires that you must be able to be contacted during class, let me know ***in advance***.

Modification to Syllabus/  
Policies:

I reserve the right to modify assignment materials from the syllabus and the policies stated herein dependent on the pace of our progress, student performance, or the need to modify in order to better suit the course and program.

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Section 227A

Fall 2013

Professor Stevens

[leilamstevens@gmail.com](mailto:leilamstevens@gmail.com)/413-563-6225 – Questions & Office Hours Requests

[SLProckz@gmail.com](mailto:SLProckz@gmail.com): Email Address to Send Homework

This class meets once per week during the semester. All assignments must be completed for the week they are assigned. In weeks 5, 8, 11 and 14 you will take an in-class three-hour performance test. Please be prepared with your exam number in advance of the first examination. If you will be typing on the California Bar Exam, I strongly suggest that you type each of the in-class examinations. Make appropriate arrangements for utilizing the Exam Soft program in advance. There is no final examination.

**Reminder:** computers are not permitted in class, except on examination days and on days in which there is a “class exercise” scheduled.

Professor reserves the right to modify exam dates, assignment deadlines, and general syllabus information throughout the semester.

| CLASS                             | TOPICS   | ASSIGNMENTS DUE<br>***Bring 1 hard copy of each assignment to each class; Email me the other copy before 6:30 pm to <a href="mailto:SLProckz@gmail.com">SLProckz@gmail.com</a>   |
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| Week 1<br>August 27 <sup>th</sup> | <ul style="list-style-type: none"><li>• Introductions; purpose and structure of the course, class meetings, weekly assignments, examinations, course grades, and suggestions regarding the California Bar Examination Performance Test.</li><li>• Discuss documents with objective or fact-gathering component such as client letters to explain the legal situation, fact-gathering and preparation for deposition, memoranda on the case, discovery plans, memoranda on preparing clients for depositions or for drafting other discovery plans, memoranda on preparing to interview clients.</li><li>• Begin <u>Zwier v. Sea Quest</u> - reading the Assigning Memo; formatting the document; beginning an outline/grid/organization tool, and skimming the file.</li></ul> | ALL ASSIGNMENTS MUST BE COMPLETED FOR THE WEEK THAT THEY ARE ASSIGNED. FOR EXAMPLE, YOU MUST HAVE THE LIBRARY FOR <u>HILL V. HILL</u> OUTLINED, AND BE PREPARED TO DISCUSS YOUR WORK FOR CLASS 2.<br><br>*NO Assignment due today. |
| Week 2<br>Sept. 3 <sup>rd</sup>   | <ul style="list-style-type: none"><li>• Review <u>Zwier v. Sea Quest</u> – discuss outline, tasks, and completion issues.</li><li>• Begin <u>In Re Black</u> – reading assigning memo; outline suggestions; formatting the document; complete timed org. grid/outline.</li></ul>   | * Complete <u>Zwier v. Sea Quest</u> .   |
| Week 3<br>Sept. 10 <sup>th</sup>  | <ul style="list-style-type: none"><li>• Review <u>In Re Black</u> – discuss org. grid/outline, tasks and completion issues</li><li>• Begin <u>Hill v. Hill</u> – reading the assigning memo; outline suggestions; formatting the document; complete timed org. grid/outline.</li></ul>   | * Complete <u>In Re Black</u>  |

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| Week 4<br>Sept. 17 <sup>th</sup>    | <ul style="list-style-type: none"> <li>Review <u>Hill v. Hill</u> - discuss org. grid/outline, tasks and completion issues</li> <li>Review of approach for next week's examination</li> </ul>  | * Complete <u>Hill v. Hill</u><br><br>NEED EXAM NUMBERS NEXT WEEK!      |
| Week 5<br>Sept. 24 <sup>th</sup>    | <b>Examination #1</b> <ul style="list-style-type: none"> <li>Three hour in-class examination requiring the preparation of documents with an analytical (objective) or and/or fact gathering component.</li> </ul>  | *NO Assignment due today.   |
| Week 6<br>October 1 <sup>st</sup>   | <ul style="list-style-type: none"> <li>Review Examination #1</li> <li>Discuss documents with a persuasive emphasis such as memoranda of points and authorities, trial and appellate briefs, closing arguments in trials, affidavits or declarations, negotiation or demand letters, and persuasive memoranda regarding various legal and/or practical issues.</li> </ul> | *NO Assignment due today.   |
| Week 7<br>October 8 <sup>th</sup>   | <ul style="list-style-type: none"> <li>Review <u>Property Clerk v. Grinnell &amp; In Re Yamata Logging</u></li> <li>Opening Statement Activity – Video &amp; Practice</li> </ul>   | * Complete <u>Property Clerk v. Grinnell &amp; In Re Yamata Logging</u> |
| Week 8<br>October 15 <sup>th</sup>  | <b>Examination #2</b><br>Three hour in-class examination requiring preparation of documents with a persuasive component.   | *NO Assignment due today.   |
| Week 9<br>October 22 <sup>nd</sup>  | <ul style="list-style-type: none"> <li>Review of Examination #2.</li> <li>Review <u>State v. Dolan</u></li> </ul>  | * Complete <u>State v. Dolan</u>  |
| Week 10<br>October 29 <sup>th</sup> | <ul style="list-style-type: none"> <li>Review <u>Peabody v. Middletown</u> and <u>In re Snow King</u><br/>Discuss documents and issues that do not fit “neatly” into either an objective or persuasive category, such as wills, pre-counseling and pre-litigation letters, contracts, cross-examination plans, statutes, tactical and ethical issues, etc.</li> </ul>    | * Complete <u>Peabody v. Middletown</u> and <u>In Re Snow King</u>      |
| Week 11<br>Nov. 5 <sup>th</sup>     | <b>Examination #3</b><br>Three-hour in-class examination, which may require the preparation of any document.   | *NO Assignment due today.   |
| Week 12<br>Nov. 12 <sup>th</sup>    | <ul style="list-style-type: none"> <li>Review Examination #3</li> <li>Review <u>In re Ryan Cox</u></li> </ul>  | * Complete <u>In re Ryan Cox</u>  |
| Week 13<br>Nov. 19 <sup>th</sup>    | <ul style="list-style-type: none"> <li>Discuss <u>People v. Mata, Columbia State University &amp; In re Sunrise Galleria</u></li> <li>Final Review of performance exam approach notes/materials.</li> </ul>  | *NO Assignment due today.   |
| Week 14<br>Nov. 26 <sup>th</sup>    | <b>Examination #4</b><br>Three-hour in-class examination, which may require the preparation of any kind of document.   | *NO Assignment due today.   |