

Introduction to Legal Methods CLASS POLICIES AND ASSIGNMENTS

COURSE: Introduction to Legal Methods, Fall 2016

TEXTS: Michael Hunter Schwartz, Expert Learning for Law Students
Ruth Ann McKinney, Reading Like a Lawyer
Marty Peters, Juris Types
A legal dictionary

Course Methodology: The class begins the week following orientation and meets once per day, and then continues through the first semester, meeting once per week. Unique features of the course include: (1) multiple opportunities for practice and feedback with respect to the knowledge and skills that are the objectives of the course; (2) exercises designed to help students learn, understand and remember the course materials; (3) team based learning activities; and (4) substantial emphasis on teaching students the learning, reading and thinking skills they need to succeed in law school, in practice and on the bar exam.

Course Goals and Objectives: To assist students in developing the skills necessary to succeed in law school, in practice and on the bar exam—and to make students more effective and successful as law students. More specifically, by the end of the course, successful students will have: (1) developed the learning skills they need to succeed in law school; (2) begun to develop legal-analytical skills, particularly the skills involved in identifying legal issues, understanding and using rules of law, and using and analyzing facts; (3) developed the ability to read and understand court opinions and legal rules, and (4) developed their ability to express ideas and understanding regarding legal issues, both orally and in writing.

Other specific course goals:

Values:

- Demonstrate respect for other students, staff and faculty;
- Develop an attitude of cooperation with students, faculty, lawyers, and judges;
- Demonstrate honesty, reliability, responsibility, judgment, self-motivation, hard work, and critical self-reflection.

Skills:

- Hone learning and study strategies
- Organize thoughts and materials before speaking or writing
- Identify relevant facts in cases, class discussion and on examinations, and be able to use facts to support a position, evaluate a claim and identify potential alternatives;

- Articulate policy arguments to convince a court to broaden or narrow a prior decision or rule of law and/or to demonstrate the soundness of a conclusion on an essay examination;
 - Demonstrate in writing how lawyers solve problems—by understanding what laws they use, how they apply the law to new facts, and how they use those facts to make arguments to judges or juries;
 - Respond to an essay question using an IRAC format;
 - Apply and analyze the law.
- **Attendance:** As required by the American Bar Association, the body that accredits law schools, class attendance is mandatory. This may differ from what you have been used to in your undergraduate or other graduate education. Please inform your professor of actual or anticipated excessive absences (more than 2 classes). A student who misses more than two classes will not receive credit for the course. If you are concerned about your absences or ability to meet this policy, please let your professor know as soon as possible, so we can work through any problems.
 - **Homework expectations:** Expect to spend approximately three to five hours per week outside of class working on reading and assignments for this course. As you apply the skills you learn in this course to your other courses, you should expect to spend additional time practicing those skills, as part of the work you do for your other courses.
 - **Course Grading:** Successful completion of this course is a requirement for graduation from the Law School. The course will be graded based on the following:
 1. **Attendance.** Attendance is required—both because lawyers are required to appear where they are expected, and because most of the learning and application of the required reading for this course occurs during participation in class exercises. If you arrive late, leave during class time or depart early (without prior permission), you will be marked absent for that session. **If you miss more than two class sessions, you will receive a failing grade in the course.**
 2. **Preparation and Participation:** Class participation is also required—part of being a law student and a lawyer is engaging in discussion, including presenting your ideas and being able to respond to questions. Legal education is a cooperative venture, and lawyers must be able to orally communicate their ideas. Please note there is a significant difference between being unprepared and being unable to “answer” a question. You do not need to be an expert, but you must read and think about the assigned materials, complete assigned work and be ready to engage and discuss this work and your thoughts with others. If you are not prepared for some classes you may be asked to leave, because the class will be discussing materials related to assignments and it is only appropriate to have the discussion with those students who have already completed the assignment.

You should stay sufficiently ahead on your assignments to ensure your readiness to participate for each class. Neither the assertion that you did not anticipate the class or group getting so far, nor that you read the assignment too long ago to remember it, nor that you are having trouble keeping up with your other courses, will excuse a failure to be prepared. You will not be deemed unprepared simply because you venture an incorrect answer in class (unless, of course, your answer reflects inadequate preparation).

3. Professional Engagement: As you may know, you are creating your professional reputation in the law. Accordingly, please behave as the best attorneys do. This includes paying attention and listening to what others say, as well as working with others collectively, to learn the material and skills in this course. Also:

- Please be prepared for class and be ready to work. Please listen to others, avoid dominating the discussion, take risks and be resourceful.
- Please seek help when you realize you need it or when recommended; take the initiative to improve your skills.
- Please show up every day on time and stay in class the whole time.
- When you are assigned to work in teams, everyone in the team has the responsibility of making sure that the team works together effectively and efficiently.

Professional engagement includes:

- **Resourcefulness.** If you have problem, first try to figure out a way to solve it.
- **Taking appropriate risks.** For some this means volunteering to speak in a class. For others it is the risk of being silent and not leading a discussion. It may mean admitting you are off track or that you need help with an aspect of the course.
- **Appropriate behavior in class.** Be respectful of others by encouraging others to talk during group work. Listening is an enormous part of effective lawyering. If you finish an exercise early or before others, ask for feedback or work on other aspects of the course.
- **Appropriate technology usage.** Using a smartphone, computer or other technology in a way that does not support your learning (texting, facebook, email, etc.) will be considered an absence.

- **A professional attitude.** Have a positive approach to working with others, including your professor. If you have a complaint, including one about the course, voice it directly, in person to those that are involved (and be prepared to offer a solution).
 - **Timeliness.** Complete and turn in all work on time.
 - **Attention to work product.** Be thoughtful about what you say and what you turn in; be sure it reflects your best work.
 - **Growth.** If you have received feedback on an assignment try to understand and use it. If one approach doesn't work, try another—and reflect on what works and what doesn't. Struggle with analyzing a problem before asking about it or giving up—but also **remember to ask questions and seek help when your struggle doesn't produce the results you hope for.**
 - **Perseverance.** A student that does not give up, but keeps working to develop his or her skills, regardless of where he or she is, is acting professionally.
4. **Completion of all assignments set out on the syllabus.** For most class sessions you will be preparing homework assignments. The assignments will help you practice the skills on which you will be tested on your law school examinations, and the bar examination. Because the goals of all of these assignments include giving you practice and feedback, initially you will not be graded on the accuracy of your answers; you will, however, be graded on the extent to which your submissions reflect and demonstrate your effort to do the assignments well. To pass each of the initial assignments you must prepare an answer to each assigned question or exercise that reflects a genuine effort to successfully complete the assignment and a genuine effort to implement the feedback that is given on prior assignments.

As the semester progresses and you have had an opportunity to practice the skills, the difficulty level of the assignments and the professor's expectations will increase. Your final grade will reflect the quality of the work you turn in throughout the semester, the extent to which you have implemented the feedback you are given on the initial assignments, and the extent to which you demonstrate mastery of the skills taught in the course.

NOTE: A lawyer is expected to meet deadlines; failure to turn in documents on time may have serious consequences, including the loss of a clients' right to present a claim or defense. It is important to begin to exhibit the professionalism that is required of a practicing lawyer, including submitting all documents (assignments) on time. Therefore, **late assignments will not be accepted. Failure to hand in an assignment on time will result in a reduced grade and may also result in a failing grade in the course.**

- **Course Web Page:** The course has its own web page. To get to the course web page, you will need a Westlaw password which will be provided to you during the first week of class.
- **Seating Chart:** A seating chart will be distributed at the beginning of the first class. Please print the name (first and last) you wish to be called in the space reflecting the seat you have chosen for the semester. Any student whose name does not appear on the chart will be dropped from the course.

Disability Services: 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 Students Services Suite 119. 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."

- **Academic Misconduct Policy:** All students are expected to conduct themselves appropriately and ethically in their academic work. Inappropriate and unethical behavior includes (but is not limited to) giving or receiving unauthorized aid on examinations or in the preparation of papers or other assignments, or knowingly misrepresenting the source of academic work.
- **Assignments:** Attached are the reading assignments and class topics. Assignments may be altered or supplemented.
- **Office Hours, Appointments and E-mail:** Students may use office hours to address concerns regarding any of the course material or for other guidance. Faculty will discuss office hours during class session 1.

NOTE: All reading assignments should be completed prior to coming to class. Please read chapters 1-8 of the Schwartz text and chapters 1-4 of the McKinney text prior to the first Orientation session.

Session	Topic	Pre-class reading and assignments	Assignments Due at Start of Class:
Orientation Day 1	Succeeding in Law School Learning Styles/Preferences Learning and Study Strategies Intro to Legal Analysis	Schwartz Ch. 1-8; McKinney Ch. 1-4	VARK assessment Reading Speed Assessment Myers-Briggs Inventory Survey Form
Orientation Day 2	Reading Like a Lawyer	McKinney Ch. 5-11; Schwartz pp. 85-103	Practice Exam #1 and Self assessment
Orientation Day 3	Briefing Court Opinions	Schwartz pp. 105-122	Case Brief
Orientation Day 4	Learning in the law school classroom Case Briefs The Socratic Method Note taking Using your laptop wisely Time Management Study Aids	Schwartz Ch. 10	Case Brief Reflection
Orientation Day 5	A simulated class experience Reflections and Assessment: Evaluating your performance	Reading to be assigned on Orientation Day 4	

END WEEK ONE

Session	Topic	Pre-class reading and assignments	POST CLASS Assignment
Classroom Session 1	Introduction to IRAC; The “R” in IRAC—Introduction to Rule Deconstruction	McKinney Ch. 10-12 Schwartz Ch. 15; Schwartz 149-158	Rule Deconstruction Exercises
Classroom Session 2	The “R” in IRAC—Using Deconstructed Rules to Organize Essay Answers		False Imprisonment Rule Deconstruction
Classroom Session 3	An introduction to Organizing Examination Answers; The “A” in IRAC—rule/fact application	Schwartz 211-221	Practice Exam #2 Answer and 10 steps grid
Classroom Session 4	Organizing Course Materials; learning styles revisited	Schwartz 158-172	Essay Approach Skeleton
Classroom Session 5	Pre-writing and Memorization; The “I” in IRAC--using checklists, spotting the issues	Schwartz 205-210; Schwartz Ch. 13; Pre-Writing Handout	Essay Approach with Pre-Writing; Issue Checklist; Exercise 16-2 (reflection for Practice Exam #2)
Classroom Session 6	Putting it all together: Organizing and Writing a Multi-issue Examination Answer Simulated Exam 1 (in class)		Revise Essay Approach
Classroom Session 7	The “A” in IRAC—fighting the fact foes		Fact Foe Essay Writing Exercise; Brief <u>Parker</u> , page 274
Classroom Session 8	More “R” and “A”— applying precedent, the thinking process	Schwartz 220-228 (pay special attention to the examples in this section)	Applying and Distinguishing Precedent Exercise 1: Applying Precedent “Thinking” charts

Session	Topic	Pre-class reading and assignments	POST CLASS Assignment
Classroom Session 9	More “R” and “A”— distinguishing precedent, the thinking process	Bring contracts text to ILM; Lucy v. Zehmer (from contracts text); Schwartz 220-228	Applying and Distinguishing Precedent Exercise 2: Review Hypo and Draft Lucy v. Zehmer Charts
Classroom Session 10	More “R” and “A”—using Precedent—the applying and distinguishing writing process, part 1		Applying and Distinguishing Cases exercise 3: Writing Process handout
Classroom Session 11	More “R” and “A”—using Precedent—the applying and distinguishing writing process, part 2		Applying and Distinguishing Cases exercise 4: Writing Process handout
Classroom Session 12	More “R” and “A”—using Precedent—the applying and distinguishing writing process, part 3		Applying and Distinguishing Cases exercise 5: Writing Process handout—Lucy v. Zehmer
Classroom Session 13	Multiple choice test taking approaches and strategies		“Magic” Charts and MBE reflection
Classroom Session 14	Putting it all together— Simulated exam 2 (in class)	Review Schwartz Ch. 15, Read Ch. 16	

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.

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