

WESTERN STATE COLLEGE OF LAW
Spring 2015
Legal Writing & Research I

Professor Stephen Chavez
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- *Before the first day of class, students must enroll in the Lexis Course Web Page titled “Legal Writing & Research I – Spring 2015 – Chavez.” 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 and check the web page regularly because students are responsible for all material and announcements posted on this web page.*
- *My office hours are Monday by appointment; Tuesday from 9:50pm-11:50pm; Wednesday from 6:40pm to 11:40pm; Thursday from 9:50pm to 11:50pm, and Friday by appointment. Please sign up in the appointment book with the faculty assistants on the 3rd floor. If you sign up for an appointment and later must cancel, please cancel the appointment on the appointment book AND ALSO email me at schavez@wsulaw.edu to let me know.*
- *To set an appointment not during regular office hours, or for an appointment on Monday or Friday, please email me at schavez@wsulaw.edu*

COURSE MATERIALS

OVERVIEW

In Legal Writing & Research I (“LWR-I”), you will be introduced to legal writing, a form of writing much different than you have likely encountered previously. This semester, you will learn how to research a legal issue and how to write an objective legal document – an office memorandum. Next semester, you will apply these same skills to write a settlement letter and an appellate brief, and also to prepare a persuasive oral argument.

OBJECTIVES

LWR-I covers four basic components, each of which you must master to perform well in this course. These components are:

- 1) Legal Analysis and Reasoning;
- 2) Legal Writing;
- 3) Legal Research; and
- 4) Legal Citation

DESIGN

The LWR-I course and the Edwards legal writing text is based on the “process-oriented” approach to writing instruction, which teaches legal writing in stages reflecting the actual researching and writing processes employed by experts. These stages include working out the analysis of a legal dispute, writing out the analysis, placing the written analysis in a document that functions within recognized conventions, and thoroughly editing the document.

The writing assignments in Legal Writing & Research are designed to increase in complexity and difficulty from the previous assignment. The first draft of the first memo assignment provides your professor an opportunity to comment on your writing skills. We will provide you with all necessary legal authority for this initial memo assignment, and therefore you need not complete your own research. The final memorandum assignment adds the component of open research, in which you must locate and analyze all relevant legal authority and use that authority to draft a more extensive objective memorandum. For the first memorandum assignment, you will receive substantial assistance from your instructor with respect to the appropriate large-scale organization and the best use of particular cases. For the final memorandum, however, you will be expected to employ the knowledge you learned in the first half of the course to perform these functions on your own.

REQUIRED TEXTS

- Linda H. Edwards, Legal Writing: Process, Analysis, and Organization, 5th edition (Aspen 2010)
- The Bluebook – A Uniform System of Citation, 19th edition, Harvard Law Review (2010)
- Amy E. Sloan, Basic Legal Research, 5th edition (Aspen 2012)
- Core Grammar for Lawyers, www.coregrammarforlawyers.com. You should have received an Access Code during Orientation and joined. However, all student must join the *class* core grammar page as well. The class code for core grammar for spring 2015 is 115-48-5152.

An explanation re: Core Grammar for Lawyers (CGL):

CGL is an “online, self-directed learning tool designed to help law students . . . acquire the grammar and punctuation skills that are prerequisites to successful legal writing.” You will have already taken the Pre-Test in your ILM class in the summer. During the course of the fall semester in LWR-I, you will be required to complete 24 online “Lessons,” clustered into six sections that correspond to the areas covered in the Pre-Test. Each Lesson includes an exercise. The Syllabus provides the due dates for completing each set of Lessons in bold, 2-3 weeks apart; be sure to plan ahead. This allows you to work independently and according to your own pace. While not graded, the CGL Lessons must be completed in order to pass the course and their timely completion (or failure to do so) will count toward your Professionalism grade.

RECOMMENDED TEXTS

For students who would like additional guidance, you may purchase the following texts. Copies are on reserve at the library as well:

- Richard Wydick, Plain English for Lawyers, 5th edition (Carolina Academic Press 2005)
- Mary Barnard Ray & Jill J. Ramsfield, Legal Writing: Getting it Right and Getting it Written, 5th edition (West 2010)

ASSIGNMENTS

In order to receive credit for this class, you must pass all assigned CGL Lessons and complete every graded and ungraded assignment in good faith. Failure to do will result in a final grade of “0” in this course. If you have any questions about the assignments, please ask your instructor. You will not use a blind grading number for any assignments in LWR-I.

FORMAT REQUIREMENTS FOR WRITING ASSIGNMENTS, BOTH GRADED AND UNGRADED

Rules for all writing assignments:

- (1) Assignments must be typewritten in black ink, double-spaced, on white, 8 ½ x 11 inch paper.
- (2) Text must be in “Times New Roman,” 12-point font.
- (3) You must use one-inch margins for the top, bottom, left, and right margins. (Note that, if using Microsoft Word, you must set the margins to one-inch each, as the right and left margins are preset at 1.25 inches.). Use a ruler to check.
- (4) Each page must be numbered, in the center, at the bottom of the page, using Times New Roman font. (Note that even if the text of your document is in Times New Roman, you must affirmatively change the font of your pagination.)
- (5) Pages must NOT be right-justified or with full-justification; papers must be left-justified.
- (6) You must print on only one side of the paper.
- (7) All papers must be bound in the upper-left hand corner with a staple.

Points will be deducted for assignments that do not conform to the Format Requirements. In addition, for consistent failure to conform to Format Requirements, points will be deducted at the end of the semester from the Professionalism grade for the course.

LATE PAPERS – GRADED ASSIGNMENTS

As a professional, you are responsible for handing in all assignments on time. A late paper is one handed in any time after it is due. Prior to the start of class, (1) all graded writing assignments must be uploaded to Safe Assign (First Draft of Closed Universe Memo (10% of final grade); Final Draft of Closed Universe Memo (20% of final grade); Draft QP, BA, SOF and outline of Discussion (15% of final grade); and Final Memo (30% of final grade)) AND (2) a hard copy must be submitted.

If either the assignment is uploaded late to Safe Assign or the hard copy is submitted late, penalties are the following:

- If EITHER the assignment is uploaded late to Safe Assign OR the hard copy is submitted late, but the assignment is uploaded or submitted during the class period, the grade on the assignment is reduced by 5 points.
- If BOTH the assignment is uploaded late to Safe Assign AND the hard copy is submitted late, but the assignment is uploaded to Safe Assign and the hard copy is submitted during the class period, the grade on the assignment is reduced by 9 points.
- If EITHER the assignment is uploaded late to Safe Assign AND/OR the hard copy is submitted late, after the class period ends, the grade on the assignment is reduced by 13 points.

If you have an unforeseeable emergency involving a serious illness, an accident, or some other comparable emergency, contact your instructor as soon as possible. Traffic, printing problems, or preparation for another class do not count as an unforeseeable emergency. Your instructor, at

her *sole discretion*, may extend your due date to provide you with enough time to deal with your emergency.

UNGRADED ASSIGNMENTS

In addition to the Graded Writing Assignments, in LWR-I, you must complete several Ungraded Assignments.

- Any assignment designated as an “Ungraded Assignment” on the Syllabus must be completed prior to the designated class period.
- For written Ungraded Assignments, you must bring a hard copy of each assignment to class.
- Ungraded Assignments are due prior to the start of the class period designated on the Syllabus.
- If you are absent for the class in which a written Ungraded Assignment is due, you must submit your Ungraded Assignment to your professor prior to the start of class to receive credit and avoid a grade deduction.

PROFESSIONALISM

In addition to the assignments noted on the syllabus, 10% of your final grade is based on Professionalism. This grade will be assigned in the sole discretion of the LWR-I professor at the end of the semester based on the student’s overall professionalism demonstrated in all aspects of the course. Professionalism is distinct from compliance with the Honor Code. Professionalism includes, but is not limited to, the following:

- Timely and good faith completion of Ungraded Assignments
- Timely completion of CGL Lessons
- Regular and punctual class attendance
- Assignments which reflect thoroughness, diligence, and attention to detail
- Preparedness and constructive participation in class
- Courteousness in class and in all communications

Conversely, points will be deducted for (but are not limited to) the following breaches of professionalism:

- Tardiness
- Absences
- Incomplete, late, or sloppy work, including failure to follow Course Materials Format Requirements
- Lack of preparation or participation in class
- Failure to show courtesy to the instructor and/or peers during class or in any communications
- Inappropriate attire, such as wearing hats, hoods, or sunglasses in class
- Inappropriate use of electronic devices, such as checking email, social networking sites, or the internet during class; or failing to turn off cell phone or utilizing cell phone during class

Note that any form of videotaping, recording, or taking photos of any material from class is prohibited without the prior approval of your instructor.

ATTENDANCE REQUIREMENT

You should attend every class. WSCL written policy for students whose class regularly meets twice per week, upon your fifth absence, you will fail this course and receive a grade of 0.0 (on the 4.0 scale). *See* Student Handbook, § 5.13. For students whose class meets once per week, if you are absent for an entire, or substantially all, of a three hour class period, you will have accumulated two official absences. If, however, you are absent for only half of a three hour class period or a significant portion thereof, you will accumulate just one absence.

STUDENT SAMPLES

On occasion, we use anonymous samples of work from current or past students as examples. Please let your professor know in advance if you do not wish for your work to be considered as an example.

QUESTIONS?

If you have questions about the course, contact your LWR-I professor. If you have a conflict with your LWR-I professor, first try to resolve the conflict directly with your professor. If you are unable to resolve the problem, please contact the Director of Legal Writing & Research, Lori Roberts, at loroberts@wsulaw.edu, or the Assistant Director of Legal Writing & Research, Eunice Park, at epark@wsulaw.edu.

HONOR CODE: Because this is a writing course, we would like to clarify some aspects of academic honesty that are important to this class:

- (1) In all aspects of this class – including research and writing, meetings with your instructor, and class attendance – you are strictly bound by the WSCL Honor Code. Please read the Honor Code carefully so you know what it prohibits.
- (2) Unless otherwise indicated by your instructor, all work in this course must be your own. This means that you must do your own research, writing, proofreading, and revising. For both the research and writing assignments, you may not discuss the problem or your research with another law student, a professor, a lawyer, or anyone else (unless your LWR-I professor specifically indicates otherwise). If you need help drafting or revising your writing assignments, please seek assistance from your LWR-I professor.
- (3) Be careful not to plagiarize. Paraphrasing or quoting from a case or any other source without properly acknowledging the source or without including quotation marks where such marks are necessary constitutes plagiarism.
- (4) Unless specifically instructed otherwise, you may not read another student's work (including a present or past student) and you may not allow another student to read your work. You may not accept, read, or use any papers from students who have already taken this course.
- (5) Any violation of this Honor Code will result in the student receiving a "0" in the course as well as possible referral to the Honor Code Committee.

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

January 13-Week 1

- Introduction to Course
- Overview of the Legal System
- Formulating a Rule from a Case Opinion
- Rule Structures
- Outlining Rules

Read: (1) "First Assignment" for Closed Universe Memo, posted on the Lexis Web Page; (2) *Edwards*: Introduction, Chapters 1-4, Ch. 5 pgs. 53-64, Appendix A & B (Sample Memos); (3) *Sloan*: Ch. 1 pgs. 1-17; (4) Individual Statement Assignment, posted on the Lexis Web Page.
Due: (1) *Edwards* Exercise 1, pg. 64. (Ungraded Assignments); (2) Core Grammar Sec. D/Verbs & Agreement: Lessons 1-4.; (3) Case Brief for First Memo Assignment (Ungraded Assignments); (4) *Edwards* Exercises 1, 3 & 4 pgs. 26-28. (Ungraded Assignments); (5) Individual Statement Assignment. (Ungraded Assignments)

January 20-Week 2

- Overview of Memo Format
- Drafting the Question Presented, Brief Answer, Statement of Facts & Conclusion
- Large Scale Organization of Discussion Section (IRREAC)
- Rule Explanation & Analysis

Read: (1) *Edwards* Ch. 13; (2) "Second Assignment" for Closed Universe Memo, posted on Lexis Web Page; (3) Rinker Memo and the Intro to the Legal Memo handout, posted on Lexis Course Web Page. Bring hard copies of both to class.

January 27-Week 3

- Grammar Workshop
- Citations (bring Bluebook to class)

Read: (1) *Edwards*: Ch. 14; (2) *Sloan*: pgs. 17-21.

Due: (1) Core Grammar Sec. A/Sentence Structure: Lessons 1-4.

February 3-Week 4

- Plagiarism Workshop (90 min class)

Due: First Draft of Closed Universe Memo (10% of final grade)

Students must attend Bloomberg Training -- Date TBD

February 10-Week 5

- Rule Synthesis & Analysis
- Organization of Multiple Authorities in IRREAC (Rule Explanation & Analysis with multiple authorities)
- Discuss cases in closed universe

Read: (1) “Third Assignment” for Closed Universe Memo, posted on Lexis Web page; (2) *Edwards* Ch. 9.

Due: briefs due for all cases in closed universe (Ungraded Assignment.)

Students must attend Westlaw Training -- Date TBD

February 24-Week 6

- No Class – Individual Student Conferences (students must bring an outline of Discussion Section.)

Students must attend Lexis Training on Tuesday, March 3, Room 413, 5:30 p.m.

March 3-Week 7

- Editing
- Analysis Workshop
- Citations

Read: *Edwards* Ch. 1 pgs 8-11, Ch. 15.

Due: Core Grammar Sec. B/Quotations: Lessons 1-4.

Due on Friday, March 6: Final Draft of Closed Universe Memo (20% of final grade)

No Class March 10 – spring break

March 17-Week 8

- RESEARCH CLASS

Read: *Sloan*: Chapters 2, 3, 4, 5, 6, 7 & 10.

March 24-Week 9

- Guest Speaker
- Overview of Final Memo Assignment & Discuss Research Plan for Final Memo

Read: Final Memo Assignment, posted on Lexis Web Page.

March 31-Week 10

- Large Scale Organization of Discussion Section & Review Multiple Authorities Re/A
- Discuss Research Results

Read: *Edwards* Ch. 10.

Due: (1) Core Grammar Sec. C/Lists: Lessons 1-4; (2) Research Results (Ungraded Assignments)

April 7-Week 11

- Putting it all Together
- Citations Review (bring Bluebook to class)

Due: (1) Draft QP, BA, SOF and outline of Discussion Section (15% of final grade); (2) Core Grammar Sec. F/Clarity: Lessons 1-4.

April 14-Week 12

- No Class – Individual Student Conferences

Due: Core Grammar Sec. E/Citation Manual Eccentricities: Lessons 1-4.

April 21-Week 13

- Citation Quiz (15% of final grade) (bring Bluebook to class)
- Editing & Revising Workshop

Due: Discussion Section Only of Final Memo (Ungraded Assignment)

April 28-Week 14

- Career Services Presentation

Due: Final Memo (30% of final grade); Students must complete the Core Grammar Post-Test.