

Introduction to Legal Methods

CLASS POLICIES AND ASSIGNMENTS

COURSE: Introduction to Legal Methods, Spring 2024

INSTRUCTORS: Section A

Professor Kirsten Pescetti

Office Hours (calendly.com/kwpescetti):

Mondays: 4:00pm to 6:00pm in-person or via Zoom

Wednesdays: 4:00pm to 6:00pm in-person or via Zoom

Thursdays: 4:00 pm to 6:00 pm via Zoom

Fridays: 10:00 am to 6:00 pm via Zoom

And by appointment

REQUIRED TEXTS:

- **Expert Learning for Law Students**, 3rd Edition, 2018, Carolina Academic Press, Authors: Michael Hunter Schwartz and Paula J. Manning (ISBN-13: 978-1611639650)
- **Nine Steps to Law School Success: A Scientifically Proven Study Process For Success in Law School**, 1st Edition, 2020, Carolina Academic Press, Author: Lisa M. Blasser (ISBN: 9781531000370)

RECOMMENDED TEXTS:

- **Atomic Habits: An Easy and Proven Way to Build Good Habits & Break Bad Ones**, 2018, Avery, Author: James Clear (ISBN: 978-0735211292)
- **Mastering the Law School Exam**, 2nd Edition, 2023, West Academic 2023, Author: Suzanne Darrow-Kleinhaus (ISBN-13: 9781634592253)

Course Methodology: The class begins following Orientation, meeting daily during Introduction to Legal Methods Week, 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: The primary goals of this course are 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

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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 two (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.

Classroom Expectations:

- Be prepared. Be engaged. Ask questions. Be civil. Be accepting of criticism and be constructive with your own. Be professional. All of these are expectations the legal profession has of you now as a student and even more so the moment you are sworn in as an attorney.
- Please arrive on time and do not leave early (unless you have addressed this with your professor beforehand).
- Unless otherwise instructed, students may not use mobile devices in class. Laptops should be used for class purposes only. Any student who is caught using such a device for any other purpose will be asked to put it away for the duration of the class period. If a student ignores such a request, the student will be asked to leave the class and marked as absent. If a situation arises in which a student needs to have their mobile device during class, please let me know at the beginning of the class.

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: THIS IS A GRADED COURSE. 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 in 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 a 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.

The total grade will be calculated as follows:

- 35% - Three in-class exams
- 30% - Scored homework
- 20% - Good-faith homework
- 15% - Participation/professionalism

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 absent extraordinary circumstances and prior approval from the professor.** In addition, if a good faith assignment is incomplete or fails to follow instructions, you will not receive full credit. Failure to hand in an assignment on time will result in a reduced grade in the course and may also result in a failing grade in the course.

Course Web Page:

- The course has its own TWEN course page ("Spring 2024 ILM (ALL SECTIONS)"). To access the course web page, you will need a Westlaw password which will be provided to you during the first week of class.

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 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 Dean Marisa Cianciarulo at mcianciarulo@wsulaw.edu or (714) 459-1168. 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.
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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 Classroom Session 1.

Zoom Sessions:

- Some class sessions may take place over Zoom. However, you should expect to attend all class sessions on campus and in person. We will notify you of any class session that will take place over Zoom in advance and will provide links in advance of the class session. The following requirements apply to any class session that takes place over Zoom:
 - Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
 - Arrive to class early and dressed as you would to attend an in-person class.
 - Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
 - Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
 - Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
 - If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.
 - If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.
 - Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.
 - Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.

- Unless your professor instructs you otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.
- Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.

ILM Assignments Details

Section A in-class warm-ups are due by 11:59 pm, the Wednesday after class.

Section A post-class assignments due Sundays at 11:59pm

ALL ASSIGNMENTS MUST BE SUBMITTED AS A WORD DOCUMENT (.DOC or .DOCX), unless otherwise specified.

Good-faith homework assignments (20% of final grade) include:

1. Warm-Up 1 (2 Points Possible)
2. Warm-Up 2 (2 Points Possible)
3. Warm-Up 3 (2 Points Possible)
4. Warm-Up 4 (2 Points Possible)
5. Warm-Up 5 (2 Points Possible)
6. Lindh v. Surman Case Brief (5 Points Possible)
7. Sub-Rule Statement and Rule Explanation Assignment (5 Points Possible)
8. Time Sheet Assignment (5 Points Possible)
9. Criminal Law Outline (10 Points Possible)
10. Criminal Law Attack Plan (5 Points Possible)
11. In-Class Exam # 1 Self-Assessment (5 Points Possible)
12. Short Answer Question assignment (5 Points Possible)
13. Multiple Choice Assignment #2 (10 Points Possible)
14. Final Exam Study Schedule (5 Points Possible)
15. Contracts/Property Attack Plan (5 Points Possible)
16. Meet with Dean's Fellow twice during the semester, once during weeks 2-7, and once during weeks 8-13 (20 Points Possible)

TOTAL = 90 Points

Scored homework assignments (30% of final grade) include:

1. Rule Deconstruction Exercise (10 Points Possible)
2. F-I-L Exercise (10 Points Possible)
3. Analysis Fix-It Exercise (10 Points Possible)
4. In-Class Exam # 1 Rewrite (10 Points Possible)
5. Multiple Choice Assignment #1 (10 Points Possible)
6. Counterargument Exercise (10 Points Possible)

TOTAL = 60 Points

In-Class Exams (35% of final grade)

1. In-Class Exam # 1 (30 Points Possible)
2. In-Class Exam # 2 (30 Points Possible)
3. In-Class Exam # 3 (30 Points Possible)

TOTAL = 90 Points

ILM Reading & Assignments

Session	Topic	Post-Class Assignment
<p><u>Classroom Session 1</u> Monday, January 22</p>	<p>Week One Revisited: Reading & Briefing: <i>Lindh v. Surman</i></p>	<ul style="list-style-type: none"> • Submit Warm-Up # 1 via TWEN • Complete case brief for <i>Lindh v. Surman</i> and submit via TWEN • Complete Rule Deconstruction Exercises Handout and submit via TWEN • Read <i>State of Franklin v. Soper</i> MPT • Read Nine Steps – pp. 49-59 • Read Expert Learning – Chapter 5
<p><u>Classroom Session 2</u> Monday, January 29</p>	<p>R in IRAC: Rule Extraction & Deconstruction: <i>State of Franklin v. Soper</i></p> <p>Introduction to Professionalism by Career Services</p>	<ul style="list-style-type: none"> • Submit Warm-Up # 2 via TWEN • Draft Sub-Rule Statement and Rule Explanation Assignment and submit via TWEN • Read Nine Steps – pp. 40-49, 60-61 • Read Expert Learning – Chapter 7 Step 3 (“Creating an Exam Approach”) • Review your Week One Essay and the explanatory material; if you would like, make an appointment to meet with a member of the Academic Success Team and/or your Dean’s Fellow to review your work • Complete Time Management Assignment and submit via TWEN • Bring notes, case briefs, and other materials for Criminal Law
<p><u>Classroom Session 3</u> Monday, February 5</p>	<p>R in IRAC: Organizing & Outlining Course Material</p>	<ul style="list-style-type: none"> • Submit Warm-Up # 3 via TWEN

		<ul style="list-style-type: none"> • Submit your Criminal Law outline (first three weeks of class) to TWEN • Create an attack plan for at least one Criminal Law issue and submit to TWEN • Read Expert Learning-Chapter 9
<u>Classroom Session 4</u> Monday, February 12	Analysis-Inferential Reasoning	<ul style="list-style-type: none"> • Submit Warm-Up # 4 via TWEN • Complete the F-I-L Exercise and submit via TWEN
<u>Classroom Session 5</u> Tuesday, February 20	Getting Ready for Midterms: Prewriting and Planning	<ul style="list-style-type: none"> • Prepare for In-Class Simulated Exam # 1 • Read Nine Steps-pp. 68-72
<u>Classroom Session 6</u> Monday, February 26	In-Class Exam # 1	<ul style="list-style-type: none"> • Submit In-Class Simulated Exam # 1 (before end of class) • Bring a copy of your In-Class Simulated Exam # 1 to use during Classroom Session 7 • Read Expert Learning-Chapter 8
<u>Classroom Session 7</u> Monday, March 11	Review of In-Class Essay # 1 Analysis – Diagnosing and Fixing Analysis Problems	<ul style="list-style-type: none"> • Complete the Self-Assessment Exercise and submit via TWEN • Rewrite at least one IRACs from your In-Class Simulated Exam # 1 and submit to TWEN • Complete Analysis Fix-It Exercise and submit via TWEN
<u>Classroom Session 8</u> Monday, March 18	Multiple Choice Study Approach A in IRAC: Applying Rules to Facts, Analysis	<ul style="list-style-type: none"> • Complete Multiple-Choice Assignment #1
<u>Classroom Session 9</u> Monday, March 25	Analysis – Counterarguments And Short Answer Questions	<ul style="list-style-type: none"> • Complete Counterargument Exercise and submit via TWEN • Complete Short Answer Question assignment and submit via

		TWEN
<u>Classroom Session 10</u> Monday, April 1	In-Class Simulated Exam #2	<ul style="list-style-type: none"> • Submit In-Class Simulated Exam # 2 (before end of class) • Bring a copy of your In-Class Simulated Exam # 2 to use during Classroom Session 11
<u>Classroom Session 11</u> Monday, April 8	Multiple Choice Revisited	<ul style="list-style-type: none"> • Complete Multiple-Choice Assignment #2
<u>Classroom Session 12</u> Monday, April 15	Preparing for Final Exams	<ul style="list-style-type: none"> • Complete a Final Exam Study Calendar and submit to TWEN • Create an attack plan for at least once concept in Contracts or Property and submit to TWEN • Prepare for In-Class Simulated Exam # 3
<u>Classroom Session 13</u> Monday, April 22	In-Class Simulated Exam #3	<ul style="list-style-type: none"> • Submit In-Class Simulated Exam # 3 (before end of class) • Bring a copy of your In-Class Simulated Exam # 3 to use during Classroom Session 14
<u>Classroom Session 14</u> Monday, April 29	Review In-Class Simulated Exam # 3 Wrap-Up	<ul style="list-style-type: none"> • Submit Warm-Up # 5 via TWEN

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.