

WESTERN STATE COLLEGE OF LAW
Fall 2023
Legal Writing & Research I

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 communicate these findings by writing an objective office memorandum and an email memorandum. You will also learn to communicate your research findings and analysis verbally. Next semester, you will apply these same skills to write a persuasive settlement letter and an appellate brief, and also to prepare an appellate oral argument.

OBJECTIVES

LWR-I introduces the following learning outcomes:

- 1) Legal Analysis;
- 2) Legal Research;
- 3) Communication;
- 4) Other Practical Skills.

DESIGN

The writing assignments in Legal Writing & Research are designed to increase in complexity and difficulty from the previous assignment. The first memo assignment provides you the opportunity to read several cases, apply the facts and rules from those cases to a client situation, and communicate those findings in an objective office memorandum. We will provide you with all necessary legal authority for this initial memo assignment, and therefore you need not complete your own research. You will also have the opportunity to communicate your legal analysis from this first memo assignment in an email memorandum. 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. You will also have the opportunity to communicate these same findings from the final memoranda assignment in an oral report.

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

- Teresa J. Reid Rambo & Leanne J Pflaum, Legal Writing by Design, 2d edition (Carolina Academic Press 2013)
- The Bluebook – A Uniform System of Citation, 21st edition, Harvard Law Review (2020)

- Core Grammar for Lawyers, www.coregrammarforlawyers.com. You should receive your Access Code during Orientation.

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.” 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. 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. Students should achieve an 85% on the post-test, and may review the lessons and retake the post-test as many times as needed to in order to "pass." Students achieving an 85% on the post-test by the deadline (as indicated on the Syllabus) will result in a 10-point to the student’s Professionalism grade.

Computer-Assisted Legal Research Providers

Students will be given access to Westlaw and LexisNexis and may use these resources to perform online legal research necessary during the year. Westlaw and LexisNexis both provide live training seminars online, and students must attend those seminars at the times listed on the Syllabus.

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, 6th edition (Carolina Academic Press 2019)
- Amy E. Sloan, Basic Legal Research, 8th edition (Aspen 2021)

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.)

- (4) Each page should 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) Text 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 TurnItIn AND (2) a copy must be submitted to your professor (either by email or hard-copy, as directed by your professor.)

If either the assignment is uploaded late to TurnItIn or the emailed/hard-copy is submitted late, penalties are the following:

- If either the assignment is uploaded to TurnItIn or the emailed copy is submitted after the class period begins, the grade on the assignment is reduced by 5 points, so long as the assignment is both uploaded to TurnItIn and emailed copy is submitted before the end of class.
- If either the assignment is uploaded late to TurnItIn or the emailed copy is submitted after the class period ends, the grade on the assignment is reduced by 10 points immediately upon the end of class, and an additional 3 points per hour thereafter (e.g., if class ends at 10:45 a.m., a paper submitted at 11:45 a.m. will receive a 13-point deduction, and a 16-point deduction at 12:45 p.m., etc.).

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 (UA). Points associated with each UA are noted on the syllabus and allocated as part of your Professionalism grade. UA points are generally all-or-nothing (that is, good faith completion of the entire assignment will generally result in earning the entire points associated with the UA, or not)

- Any assignment designated as an “Ungraded Assignment” on the Syllabus must be completed prior to the designated class period. Thus, if you do not complete an UA on time, you must still complete the UA late, though you will not earn the points

- For written Ungraded Assignments, you must have an hard copy available prior to the start of class or email the assignment to your professor, as directed.
- 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 email your Ungraded Assignment to your professor prior to the start of class to receive credit and avoid a grade deduction.

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 weeks with longer reading assignments, the due dates for the various graded and ungraded assignments, office conferences, and quizzes.

PROFESSIONALISM

In addition to the assignments noted on the syllabus, 20% 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:

- Timely and good faith completion of Ungraded Assignments, reflecting thoroughness, diligence, and attention to detail (up to 70pt)
- CGL: Timely completion of all CGL Lessons and 85% CGL post-test score (20 pts)
- Regular and punctual class attendance; Preparedness and constructive participation in class; Courteousness in class and in all communications (10pts)

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 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
- Non-compliance with any Expectations for Students in Zoom Sessions (attached)

Note that any form of videotaping, recording, or taking photos of any material from class is inappropriate 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.

Attendance will be taken by having students type their full name into the chat box at the start of each Zoom session. The chat box attendance list will be saved by the professor at the start of each class, and thus student arriving late to the Zoom session will be marked tardy.

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 Associate Dean for Academic Affairs, Paul Arshagouni at parshagouni@wsulaw.edu

POLICY ON GENERATIVE AI USE IN LWR:

Generative Artificial Intelligence (AI), a technology known for creating novel content based on given input, is now a prominent feature in many professions, including the legal community. It is capable of being a powerful tool when used responsibly and ethically. As law students, it is essential to understand that while generative AI can aid in various tasks, it should not replace the fundamental skills required for legal research and writing. These skills, including thorough analysis and critical thinking, are core to your legal education and cannot be fully replicated by any AI. The Honor Code governing our academic community requires each student to conduct their own legal research and writing. While generative AI can provide a significant assistive function, it is crucial that your work represents your individual intellectual effort. Thus, unless explicitly authorized by your legal writing professor, the use of generative AI in any component of this course is prohibited. We encourage you to recognize the value of generative AI to aid legal professionals, but only once the fundamental skills have been mastered. This policy aims to ensure that students gain a solid understanding and ability in legal writing and research first, thereby enabling them to use generative AI appropriately and effectively in the future.

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) Do not use Generative Artificial Intelligence (AI) in any manner that violates the Honor Code and/or constitutes plagiarism.
- (6) 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 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."

SYLLABUS

August 24

- Introduction to Course
- Overview of the Legal System & Sources of Law
- Introduction to Legal Reasoning
- Rule Structures & Outlining Rules

Read: (1) *Rambo*, Chapters 1, 2, 3, 5 & 27

Due: Complete Core Grammar pre-test; Core Grammar Sec. D/Verbs & Agreement: Lessons 1-4.

August 31

- Overview of Memo Format
- Large Scale Organization of Discussion Section (BaReAC)
- Reading & Using Cases Effectively

Read: *Rambo*, Chapter 4, 6; 8; Chapter 7 pgs. 137-145;; Star & Rinker Memos (posted on Lexis Classroom Page); First Assignment posted on Lexis Web Page; Case Brief for First Memo Assignment (UA - 5)

September 7

- Drafting the Question Presented, Brief Answer & Statement of Facts
- Drafting the Conclusion
- Editing & Revising
- Introduction to Citations

Read: *Rambo*, Chapters 9, 10, 11 & 12

Due: Core Grammar Sec. B/Quotations: Lessons 1-4 & Sec. A/Sentence Structure: Lessons 1-4.

September 14

- Avoiding Plagiarism; Ethical and Practical Issues in AI
- Citations (bring Bluebook to class) (case law, statutory & secondary authority citations)
- Editing and Revising

Read: *Rambo*, Chapters 24 & 25; 28 & 32

Watch: <https://www.youtube.com/watch?v=7jDTTFMejCY>
& https://guides.ll.georgetown.edu/bluebook_tutorial/2

Watch: https://guides.ll.georgetown.edu/bluebook_tutorial/1

Due Monday, September 18th at 5:00 p.m.: First Draft of Closed Universe Memo (UA – 5)

September 21

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

Read: *Rambo*, Chapter 7 pgs 145-154.

Due: Briefs due for all cases in closed universe (UA - 5)

September 28

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

October 5

- In-Class Guided Editing & Revising Exercise
- Preparing an Email Memo

Due: Students must bring a completed draft of their Discussion Section (fully written out in sentence/paragraph format) of their Memo to class in order to complete the Guided Editing & Revising Exercise (UA - 15)

October 12

- Practice citation quiz & review (90-min class)

Due: Final Draft of Closed Universe Memo & Email Memo (25% of final grade)

October 19

- Citation Quiz (20% of final grade)
- Overview of Final Memo Assignment; Discuss Research Plan for Final Memo

Due: Optional and highly recommended practice for the Citation Quiz

<http://www.cali.org/lesson/561>

In addition to class, students must attend BOTH Westlaw and Lexis Training the week of October 23rd – information re times Lexis.com Westlaw.com

October 26

- Legal Research (librarian led class.)

Due: Core Grammar Sec. C/Lists: Lessons 1-4.

November 2

- Discuss Research Results; Oral Presentations regarding research process
- Large Scale Organization of Discussion Section; Organizing Multiple Authorities

Due: Students must bring briefs of six relevant authorities to class (UA- 5); AND must submit a one-paragraph explanation for each case explaining specifically why it is relevant to client's issue (UA - 10); AND present 5-minute overview to the class detailing each research tool used (westlaw, lexis, google, secondary authority, other), and the specific process used to find each authority (online search filters, queries, etc.) (UA - 10)

November 9

- Guest Speaker (first half of class)
- Review All Parts of the Memo

Due: Draft QP, BA, SOF and outline of Discussion (UA - 5); Core Grammar Sec. E/Citation Manual Eccentricities: Lessons 1-4.

November 16

- Editing & Revising
- Oral communication of research findings and legal analysis; Online communication skills

Read: *Rambo*, Chapters 30.

Due: Core Grammar Sec. F/Clarity: Lessons 1-4

Due: Complete Core Grammar Post-Test - due by the end of the class period (asynchronous class time)

November 23 – No Class – Thanksgiving Break

November 30

- “Oral Report to Partner” Exercise (UA - 10) – via Zoom (90-min class)

Due: Final Memo (35% of final grade) –must be uploaded to TurnItIn and a hard copy must be received by your professor by the start of class time

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.