

WESTERN STATE COLLEGE OF LAW
Spring 2026
Legal Writing & Research II

Professor Robert Somers
Email: rsomers@wsulaw.edu

- Before the first day of class, you **must enroll in the Lexis Classroom Page** titled “Somers Legal Writing & Research II Spring 2026.” I will use this web page to post material and to make class announcements throughout the semester.
 - *The Lexis Classroom Code:* CD78KM
- TurnItIn.com: Legal Writing and Research II - Somers, Spring 2026
 - *Class ID:* 51067899
 - *Key:* Som2026LWR2
- My office hours are Tuesday 12:30-3:30 & Friday 12:30-3:30.

OVERVIEW

In Legal Writing & Research I, you were introduced to legal writing – a form of writing much different than most of you had encountered. Last semester, you learned how to research and write an *objective* legal document – the office memorandum. This semester we will reinforce those same research, writing, and citation skills, but you will learn how to write *persuasive* legal documents – a settlement letter, an appellate brief, and professional email. This course will culminate in your preparation of an appellate brief based on a fictional moot court case dealing with current legal issues. For this final project, you will also present a 10-minute oral argument. Thus, by the end of this course, you will have the tools necessary to become skilled advocates, both oral and written.

OBJECTIVES

In this course, You will have an opportunity to learn, practice, and be assessed in each of the following learning outcomes:

- 1) Communication – oral and written;
- 2) Legal Analysis;
- 3) Legal Research;
- 4) Advocacy of Legal Argument;
- 5) Other Practical skills, including legal citation and oral presentation and advocacy.

REQUIRED TEXTS

- Linda Edwards & Samantha Moppett, Legal Writing and Analysis, 6th edition (Aspen 2023)
- The Bluebook – A Uniform System of Citation, 22nd edition, Harvard Law Review (2025): **You must have the hardcopy, book-form of the Bluebook, not the online version.**

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 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 professor. You will not use a blind grading number for any assignments in LWR-II.

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 12-point 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.
- (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.
- (8) Papers must be submitted as an attachment via email in Microsoft Word format. Students are able to get a Microsoft account using their school email address at <https://www.microsoft.com/en-us/education/products/office>

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 hard copy and/or emailed Word attachment (depending on the specific instructions of the assignment) must be submitted to your professor.

If either the assignment is uploaded late to Turnitin or the hard copy/mailed copy is submitted late, penalties are the following:

- If either the assignment is uploaded to Turnitin or the hard 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 hard copy is submitted before the end of class.
- If either the assignment is uploaded late to Turnitin or the hard 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-II, 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 have an electronic copy available prior to the start of class, and email the copy to your professor as an email attachment.
- 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.

FINAL APPELLATE BRIEF & ORAL ARGUMENT

Your final project in this course will be to prepare a complete appellate brief. The following instructions apply to this final project:

- You will conduct your own research for the issue.
- After you have completed your research, you will have a few weeks to prepare the first draft of the “Argument” section, with “Argument Headings.”
- After you submit your draft, you will revise your brief and incorporate the additional required sections necessary to constitute a completed brief that could be filed in federal court. During this time, you will receive feedback from your instructor in class.

REQUIRED SECTIONS FOR FINAL APPELLATE BRIEF: The order of sections shall be as follows:

Appropriately Colored Front Cover (containing Caption)
Table of Contents (numbered as page “i, ii, iii,” etc.)
Table of Authorities (continue numbering as page “ii, iii, iv,” etc.)
Caption (begin numbering with page “1”)
Question(s) Presented
Statement of the Case and Facts
Summary of Argument
Argument
Conclusion
Certificate of Service
Appropriately Colored Back Cover

SUBMITTING FINAL APPELLATE BRIEF: For the final draft of the final brief, you must:

- You must upload the Final Appellate Brief to Turnitin and submit a hard copy that is printed and bound (velo or spiral binding) with the appropriate colored cover and back page.

ORAL ARGUMENT: Every student will participate in the *Everett Dorey LLP - 1L Moot Court Competition*. After you turn in your final appellate brief, you will be scheduled to argue your client’s position in class before a panel of “judges.” Each student will be graded separately on his or her final oral argument.

PRACTICE ORAL ARGUMENT: To help you prepare for the final oral argument, we will practice arguments in class throughout the semester. The in-class practice arguments are designated as “Ungraded Assignments,” subject to the penalties set forth in this syllabus.

OUT OF CLASS PREPARATION

On average, the assigned reading and other classroom preparation should require an estimated three or more hours outside of class for each class session. 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, 10% of your final grade is based on Professionalism. This grade will be assigned in the sole discretion of the 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, reflecting thoroughness, diligence, and attention to detail. (up to 75 pts).
- Regular and punctual class attendance; Preparedness and constructive participation in class; Courteousness in class and in all communications. Good faith effort in all Oral Argument practices. (up to 25 pts).

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

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, is that upon your fifth absence, you will fail this course and receive a grade of 0.0 (on the 4.0 scale). *See Student Handbook, § IV.A.12.* 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.

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 Library Building, Room 275-B. 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."

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-II professor. If you have a conflict with your LWR-II 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 LEGAL WRITING AND RESEARCH

Generative AI can serve as a powerful aid to legal professionals. Examples include Lexis+AI, CoPilot, ChatGPT (all versions), Claude, Gemini, CoCounsel, Spellbook, and Grammarly Go.

As part of LWR II, you will be trained to use select generative legal AI tools in an ethical and professional manner to assist with **research, planning, brainstorming, outlining, and organizing your legal work**, as well as preparation for oral argument. These uses are permitted and encouraged, provided they support, not replace, your core lawyering skills.

It is essential to understand that while generative AI can assist in many preliminary tasks, **the actual writing, analysis, reasoning, and final composition of all assignments must be entirely your own work.** Drafting, revising, or editing the substantive text of your submissions through generative AI is not permitted. Your writing must reflect your independent thought, critical analysis, and professional judgment. These skills are foundational to both your legal education and the practice of law and cannot be outsourced to any AI system.

In this course, it is crucial that your submitted work represents your individual intellectual effort and that any use of generative AI be checked, verified, and acknowledged. To that end, a footnote should be included in each document acknowledging the use of generative AI in permissible ways and confirming that the student has reviewed and verified all information.

Required Footnote:

Portions of this [insert document type, i.e., motion, email, memo, letter] were researched, planned, and/or organized with the assistance of generative AI tools. All writing, analysis, and final content are the original work of the document signator, who has reviewed and verified all information contained herein.

In addition, the corresponding **Legal AI Acknowledgement Certificate** must be signed and attached.

We encourage you to view generative AI as a complement to your abilities, not a substitute. This policy is designed to ensure that you develop strong, independent skills in legal research and writing so that you can ultimately incorporate generative AI responsibly and effectively into your future practice.

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-II professor specifically indicates otherwise). If you need help drafting or revising your writing assignments, please seek assistance from your LWR-II 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.
- (7) In preparing for your final oral arguments only after November 8, you may discuss oral arguments with other students, and you may practice arguing with other students.

SYLLABUS

All students must attend Westlaw training during the week of January 13
Details will be posted on Lexis Classroom Page

January 13

- Shifting to Persuasion; Writing a Settlement Letter
- AI research and generative AI

Read: *Edwards*, pg 163-173; Sample Settlement Letter (posted on Lexis Course Web Page); Instructions for Settlement Letter (posted on the Lexis Course Web Page.)

January 16

- Discuss Research Process & Researching Verdicts & Settlements (librarians)

All students must attend Lexis training during the week of January 20
Details will be posted on Lexis Classroom Page

January 20

- Discuss Research Results

Due: Research Results (Ungraded Assignment – 5pts)

January 23

- Developing and Emphasizing a Theme for Settlement; Persuasive Facts and Rules; Citation Review.

Read: *Edwards*, pg 211-228

January 27

- Finalizing the Settlement Letter; Negotiation - preparation & practice

January 30

- In-Class Negotiation Exercise

Due: *Settlement Letter & Negotiation (20% of final grade)*

February 3

- Introduction to the Appellate Brief Process & Brief; Judge as Reader

Read: *Edwards*, pg 191-202; Clyde H. Hamilton, Effective Appellate Brief Writing, 50 S.C. L. Rev. 581 (1999); Material for Final Appellate Brief (posted on Lexis Classroom Page)

February 6

- Discuss Appellate Brief Assignment & Research Plan/ Using Legal AI

February 10

- Drafting a Persuasive Rule and Statement of Case and Facts for a Brief; Argument Paradigm

February 13

- Discuss Research Results; Using Cases Effectively in Brief Writing (Re/A)

Due: Summary of 6 most important authorities for use in Appellate Brief (Ungraded Assignment – 5pts)

February 17 – No Class – Legislative Day**February 20**

- Drafting Questions Presented and Argument Headings; Introduction to Standards of Review

Read: *Edwards*, pg 175-189; 203-210

February 24

- Introduction to Oral Argument

Read: *Edwards*, pg 277-289

February 27

- Using Cases Effectively in Brief Writing (Re/A)

March 3

- Oral Argument (Ungraded Assignment)

March 6

- Large Scale Organization of the Brief; Addressing Adverse Authority and Opposing Arguments; Summary of Argument

Due: Outline of Argument Section (Ungraded Assignment – 5pts)

March 10 & 13 – Semester Break – No Class**March 17**

- In-Class Review of Draft Statement of Facts and Question Presented;

Due: Draft Statement of Facts and QP (Ungraded Assignment – 5pts)

March 20

- Oral Argument (Ungraded Assignment)

March 24

- Guest Speaker

March 27

- Finalizing the Appellate Brief - Editing & Revising; All of the other parts of the brief (Table of Contents, Certificate of Service, Conclusion, etc.); Perfecting Citations

Read: *Edwards*, pg 231-273

Due: First Draft of Argument section of Final Appellate Brief (with Argument headings) (Ungraded Assignment – 5pts)

March 31 & April 3

- In lieu of class this week, students will be scheduled to attend mandatory conferences

Due: *Students must bring their completed Legal-AI Annotation Assessment and be ready to discuss (10% of final grade)*

April 7

- Interview with a Lawyer Presentations/Paper

Due: Interview with a Lawyer Reflection Presentations/Paper (***Ungraded Assignment – 50 pts***)

April 10

- Moot Court Members Panel

Due: *Final Draft of Appellate Brief (40% of final grade) TurnItIn, & Hardcopy.*

April 14

- Oral Argument (Ungraded Assignment) – *dress rehearsal & oral argument recording*

Due: In addition to class this week, students must schedule a 2-hour (minimum) oral argument practice with at least 1-other student in the class (a group of 3-4 is preferable.)

April 17

- Oral Argument (Ungraded Assignment)

April 21 & 24

- ***Everett Dorey LLP - 1L Moot Court Competition – Preliminary Rounds***

Due: In lieu of class this week, each student will be scheduled to *present a 10-minute Oral Argument (20% of final grade)*

Everett Dorey LLP - 1L Moot Court Competition – Finals – Tuesday, April 28, 9 am – 11 am
Celebratory Luncheon & Awards for Finalists – TBD

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 (PLOs) 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.