

## SYLLABUS PART I\* - TROUT IN THE MILK

### Legal Analysis & Writing - Fall 2009

Prof. Toni Berres-Paul (BP), 134 Wood Hall

Tri-Pod; Mon. & Wed. 1:30-2:20 Rm. 2

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Texts: A Lawyer Writes by Sandy Patrick, Christine Coughlin, Joan Malmud

ALWD Citation Manual (3<sup>d</sup> ed.) by Darby Dickerson

The Little Book on Legal Writing (2d ed.) by Alan Dworsky

Text for Research Portion of the Class Taught by Seneca Gray:

Principles of Legal Research by Kent C. Olson

Welcome to your first semester of Legal Analysis and Writing. My portion of this course is designed to give you the core foundation for legal analysis and writing skills by teaching you the following: how to interpret statutes and other rules of law; how to analyze appellate opinions; how to synthesize a series of opinions; how to write objective memoranda of law; how to write an appellate brief; how to cite resources correctly; and how to present an oral argument. You will need these skills to practice law competently. More immediately, you will need mastery of these skills to understand first-year courses and to successfully complete the demands of your first legal clerkship job next summer.

#### Course Administration

**E-mail:** I will often communicate with you through your school e-mail, sometimes to alter assignments and due dates. Please check your e-mail frequently to make sure that you are up to date. Please see my email policy on TWEN.

**Class Attendance:** Class attendance is mandatory. Attendance is an American Bar Association (ABA) requirement. This is a policy I support and enforce, because it fosters a professional work ethic and attitude. Therefore, I treat our class time as a professional appointment, and I expect you to do the same. If there is some reason why you must miss class, please contact me in advance via telephone or email and ask for an excused absence. I will take attendance at the beginning of each class. ***If you have 3 unexcused absences, you will be terminated from the class and you will have to repeat the semester.*** If you miss a class, you are responsible for finding out what you missed, handing in assignments on time, and obtaining any handouts or assignments. I give a lot of handouts. When possible, I will post them on my TWEN site and leave extra copies in the box above your LAW box.

**Office Hours:** I have an open door policy - if the door is open, come on in. Additionally, you

may guarantee a time to see me by using the office hours sign-up sheet that will be posted on my door weekly. You can also schedule a particular time with me in person or via email.

**Late Papers and Assignments:** Just as the courts do not accept late-filed documents, late assignments will not be accepted in this class unless you have **reasonable grounds** and you request an extension of time **in writing at least 24 hours before the assignment is due**. This request must be made using the Motion for Extension of Time form found on the TWEN site under Course Materials.

If for **good cause** (such as sudden emergency, death in the family, debilitating accident or injury) you are not able to provide a written request for extension of time, you may orally request such an extension at any time **BEFORE** the due date of the assignment either in person or by phone. Unexpected events do occur in life, and I will work with you and be as flexible as possible with deadlines, provided you have reasonable grounds and you comply with the above-mentioned policy.

**Professionalism:** I expect, as will your future employers, professional behavior from everyone in class. Please be courteous and respectful of your colleagues and your Teaching Assistant.

**Technology in Classroom:** Laptops may be used in class only for note taking and other tasks authorized by your professor. Unauthorized laptop use may result in a loss of laptop privileges in class for the remainder of the semester. Unauthorized use of laptops during class includes instant messaging, using e-mail, gaming, shopping, and accessing other sites not related to the classroom topic. These types of activities distract other students and demonstrate a lack of professionalism. In addition, cell phones and pagers must be off. If your cell phone goes off in class, you will have the opportunity to sing for all of us. You may think you are good at multi-tasking, but every study that has been done demonstrates that multi-tasking is inefficient.

**Writing Specialist:** Marcia Silver, on the law campus on Thursdays from 12 to 6 in the basement of the LRC in Room FC3. Ext. 6166; email [wstudio@lclark.edu](mailto:wstudio@lclark.edu).

LESSON & DATE	TOPIC	WHAT IS DUE
Lesson 1 Mon. Aug. 24	<b>Introducing the Legal System:</b> Recognizing precedent, levels of authority & jurisdiction	<b>Read:</b> <i>Patrick</i> , Intro, Ch. 1 & 2, pp. xvii-xviii, 3-31  <b>Due:</b> Personal statement & form; 2 exercises on TWEN: 1) Gauging Relative Weights of Authority; 2) Precedential Value

Lesson 2 Wed. Aug. 26	<b>Careful Reading: Cases &amp; Statutes</b>	<b>Read:</b> <i>Patrick</i> , Ch. 3, pp. 33-56; Dog bite facts, statute & case on TWEN
Lesson 3 Mon. Aug. 31	<b>Introduction to CREAC</b>	<b>Read:</b> <i>Patrick</i> , Ch. 4 & 6, pp. 57-66 & 81-85 <i>Dworsky</i> , Ch. 1 & 2, pp. 1-9  <b>Due:</b> Draft of dog bite CREAC (bring to class)
Tues. Sept. 1	<b>Legal Research Class 9:00-10:00 Room 6</b>	
Lesson 4 Wed. Sept. 2	<b>Finding Your Argument &amp; Introduction to Case Charting</b>  <b>Meet Peggy Day</b>	<b>Read:</b> <i>Patrick</i> , Ch. 5, pp. 67-79; 1 C/L marriage case on TWEN  <b>Due:</b> Final CREAC of dog bite case to TWEN drop box
<b>Mon. Sept. 7</b>	<b>Labor Day: No Class</b>	
Lesson 5 Wed. Sept. 9	<b>The E in CREAC: Synthesizing &amp; Explaining the Law</b>	<b>Read:</b> <i>Patrick</i> , Ch. 7, Section I, pp. 89-90 <i>Dworsky</i> , Ch. 3, pp. 10-27 Peggy Day facts & 3 additional C/L marriage cases on TWEN  <b>Due:</b> Case Chart (Keep 1 copy & bring to class: hand in 1 copy to LAW box 10 min. before first class of the day)

Lesson 6 Mon. Sept. 14	<b>The A in CREAC: Applying the Law to the Client's Problem</b>	<b>Read:</b> Enquist Handout on Analogies on TWEN <i>Patrick</i> , Ch. 8, pp. 129-30  <b>Due:</b> Synthesized Rule Explanation to LAW box  <b>Return:</b> Dog bite CREAC
Tues. Sept. 15	<b>Legal Research Class</b>	
Lesson 7 Wed. Sept. 16	<b>Counter Arguments &amp; Putting it All Together</b>	<b>Read:</b> <i>Patrick</i> , Ch. 9, pp. 165-170  <b>Due:</b> Partial Rule Application to LAW box (make sure your box no. is on the back)  <b>Return:</b> Synthesized Rule Explanation
Fri. Sept. 18		<b>Return:</b> Partial Rule App. To your Gantenbein mailbox
Lesson 8 Mon. Sept. 21	<b>Peer Review of Peggy Day CREAC</b>	<b>Due:</b> Draft of Peggy Day CREAC - bring to class
Lesson 9 Wed. Sept. 23	<b>Introduction to Statutory Research</b>  <b>Citation Preview</b>	<b>Read:</b> <i>ALWD</i> , Ch. 1, pp. 3-10; review the Table of Contents to understand the organization  <b>Bring ALWD to class.</b>  <b>Due:</b> Final Peggy Day CREAC to TWEN drop box

\*As with all really good syllabi, this syllabus may change. Advance warning through class announcements or email will be given if changes occur.

\*\*You are required to have a 10 min. meeting with your TA by Sept. 11. This can be an informal chat or you can get help on a legal writing class assignment. Sign up on TWEN under category called "Sign-up Sheets."

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