**Legal Analysis Writing & Research I** ♦ **§ 3** ♦ **Fall 2009** ♦ **Professor Robbins** ♦[**ruthanne@camden.rutgers.edu**](mailto:ruthanne@camden.rutgers.edu)

Tuesday 10:00 am & Friday 9:00 am ♦ Room 204

**Description:**

This course will introduce you to the lawyering skills of legal research, legal analysis and legal communication. By the end of the course you will be able to complete a written response to a legal question posed by a client’s scenario. The writing that we do this semester will be predictive in nature. You will write two legal memoranda to a more senior attorney in your office. Each memorandum will include your legal analysis based upon your research and application of the relevant law to the client’s particular situation. You will learn about reader-centered writing techniques. I promise that you will receive feedback along the way. Next semester we will continue the progression with a more complicated legal question and with the introduction of persuasion as part of the lawyering skills.

**Resources:**

This course has one professor but a team of people are also available to assist you in many ways that reach beyond just this course. They include:

1. **Teaching Assistants:** These are 2L and/or 3L students who have been selected in a competitive process and work with just my students. Teaching assistants have weekly office hours and also have some individual appointments with students. They have their own conference room on the lawyering hall, 2E.
2. **Writing specialist:** (Pam Mertsock Wolfe, [pmertsoc@camden.rutgers.edu](mailto:pmertsoc@camden.rutgers.edu)). A writing specialist helps students with writing issues, i.e. organization/grammar/punctuation. Ms. Mertsock-Wolfe’s office is on the lawyering hall, 2E. She is also the assistant director of pro bono programs for the law school.
3. **Academic Success Professor:** Professor Alison Nissen is an excellent resource for many of your study questions. She is also a member of the LAWR department and has taught legal writing for many years. [anissen@camden.rutgers.edu](mailto:anissen@camden.rutgers.edu). Her office is also on the lawyering hall, 2E.
4. **Research Librarian:** Our section’s go-to librarian is Professor John Joergensen, although of course you are free to talk to anyone in the library. Professor Joergensen also teaches the Advanced Legal Research class. [jjoerg@camden.rutgers.edu](mailto:jjoerg@camden.rutgers.edu)

**Syllabus**

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| **Date** | **Topics** | **Reading Assignment**  **Complete prior to class** | **Experiential Assignment** | **TA topics** |
| Orientation Week  **August 21st** |  |  | Westlaw and Lexis Password distributions:  During Orientation  Friday Aug 21st 2:30-5 pm  Westlaw: Room 325  Lexis: Room 323  \*\*You will need a password for each service.  **Complete the first three Westlaw exercises from “fundamentals” part of the free West E-learning center,** [**http://training.west.thomson.com/rc2/loginDisplay.asp**](http://training.west.thomson.com/rc2/loginDisplay.asp)**?** |  |
| Week 1  **August 25 & 28** | ♦Intro: what lawyers do  ♦Pedagogical goals  ♦Intro to Ethos  ♦ Intro to research  ♦ Hierarchy of Authority | **Textbook**:  Introduction  Ch. 1-3 and substitute textbook word “objective” with “predictive”  **Web board:**   1. Suzanne Rowe article …*Putting Law School Into Practice* 2. Read class syllabus, including class policies. This will give you a sense of the course. | Lexis Training: Tuesday Aug 25th 12:30-1:20  Room 106  For Friday:  *Getting Started on Westlaw* part of the West e-learning center -- Do exercises 4-9 of *fundamentals*  [**http://training.west.thomson.com/rc2/loginDisplay.asp**](http://training.west.thomson.com/rc2/loginDisplay.asp)**?** | Welcome to law school; legal research online trainings: |
| Week 2  Sept 1 & 4 | ♦Research & process  ♦Rule-based Analysis  ♦Statutory analysis  ♦1st sample Memo distributed  (download from course web board—we will discuss in class) | **Textbook**  Ch. 4-6 (heavier reading – suggest doing it prior to Tuesday and then re-reading as go through writing process)  **Web board:**  1st Memo docs | Westlaw Training: Tuesday September 1st 12:30-1:20  Room 106  **↑**  Research for first writing assignment  **↓**  *Statutes* section of West e-learning center. Do at least exercises 3, 4, 9 | Research assistance (TAs can help with assignments) |
| Week 3  **Sept 8 & 11** | ♦ Hierarchy of Authority *revisited*  ♦Assessing research results  ♦Case synthesis.  ♦Rule-based analysis, continued.  ♦Memo writing: starting with the Facts | **Textbook**  Ch. 7 all parts (key chapter)  Chapter 11  **Web board:**  Review sample memo | Research & draft first writing assignment | I/BA/Facts  &  Case Synthesis |
| Week 4  **Sept 15 & 18** | ♦Principles of reader-centered communication: “context before detail.”  ♦ Conventions in communicating the analysis **♦** BLUF  ♦ Cognitive psychology and Rule Explanation  ♦ Application | **Textbook**:  Chapter Ch. 8 & 12 | **↑**  **Work on Memo**  **↓**  **Due:**  **1st Memo**  **Sunday. Sept 20 at 10 pm upload to Filestore** | You may show discussion section drafts to TAs |
| Week 5  **Sept 22 & 25** | **♦ Conferences**  ♦ Writing process  ♦Revising |  | **♦** Work on rewrites. | You may show drafts to TAs |
| Week 6  **Sept 29**  **&**  **Oct 2** | ♦ Ethos & the role of citation.  ♦Graded memo problem distributed (course web board) | **Handouts**  **Web board:**  Graded Memo docs | **♦** Work on rewrites **due one week from date of your conference** | Rewriting Memos  (TAs can touch the paper) |
| Week 7  **Oct 6 & 9** | ♦ Common law synthesis  ♦ Factors vs. element tests  ♦ Research strategies | **Textbook**:  Chapter 4 (yes, again)  **McGaugh** (**ICW**)  Ch. 1-2 | **♦** Work on rewrites.  **McGaugh, ICW Exercises 1 & 2**  **Due to TAs**  **Fri. Oct. 9th 3 pm** | Rewriting  (TAs can touch the paper) |
| Week 8  **Oct 13 & 16** |  |  | **↑**  Research final memo problem  **↓**  *Case* section of West e-learning center: Do exercises 2-5 | Research assistance |
| Week 9  **Oct 20 & 23** | ♦ Lightning rounds  ♦Deepening the analysis | **Textbook**  Ch. 7-8 (again)(key chapters)  **McGaugh** (**ICW**)  Ch. 3-5 | **ICW Exercises**  **3, 4, 5**  **Due to TAs**  **Fri. Oct. 23rd 3 pm**  **Drafts due of graded memo**  **(Sun. Oct 25th 6 pm upload to Filestore)** |  |
| Week 10  **Oct 27 & 30** | ♦ Headings & Umbrellas again  ♦ Facts – the traditional view  ♦ Policy Arguments  **♦ Conferences Round 1**  **\*All are mp3 recorded for you** | **Textbook**  Ch. 12 (again)  Ch. 10 Policy | **↑**  Work on Memo  **↓** |  |
| Week 11  **Nov 3 & 6**  **No class** | **♦ Conferences Round 1** |  | **↑**  Work on Memo  **↓** | Citation  & Memo help |
| Week 12  **Nov 10 & 13** | **♦ Conferences Round 2**  **\*All are mp3 recorded for you**  ♦Rewriting and revising  a/k/a “so now what do we do for the next draft?” |  | **↑**  Work on Memo  **↓** | Memo help |
| Week 13  **Nov 17 & 20** | **♦ Conferences Round 2**  ♦Wrap-up  ♦Revising/polishing process  ♦Last questions answered | Celebrate  “Legal Writing Day” on Nov. 21 (yes, it is a real day) | **↑**  Work on Memo  **↓**  **Graded memo due**  **Sunday Nov. 22nd 6 pm Filestore** | Maintaining perspective  &  Memo help |
| Week 14  **Nov 24** | **♦** Co*urse evaluations*  **♦** Orientation for  Career Services |  |  |  |

**Course Information**

**Professor**

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**Teaching Assistants**

John Ciocco (3L) **♦** [ciocco32@camden.rutgers.edu](mailto:ciocco32@camden.rutgers.edu)

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**TA Office Hours**: To Be Determined (sorry, it’s a whole department logic game) and by arrangement. Location: the TA conference room on 2E just off the bridge.

**Books and the color codes:**

Christine Coughlin, Joan Malmud & Sandy Patrick, *A Lawyer Writes* (Carolina Academic Press 2008). This is the main course textbook.

*The Bluebook: A Uniform System of Citation, 18th ed.* (2005). Citation manuals are necessary to legal writing and this one is the most widely used, if not best edited version. You will need to keep it for future courses.

Tracy McGaugh and Christine Hurt, *The Interactive Citation Workbook (“ICW”) for the Bluebook*, (Lexis-Nexis, 2009). This workbook will teach you how to use the Bluebook. Because self-instruction of the Bluebook violates the 8th Amendment’s prohibition of cruel and unusual punishment. You may protest against these exercises in abstract theory, but you will quickly realize that the other ways to learn the Bluebook are less desirable. This workbook creates order out of chaos.The online exercises are available through Lexis.

For **research** I will give you books put out by West publishing. I have assigned online training exercises. I have assigned them on Westlaw and I will be able to see who has done them (so you must complete them). You should complete similar assignments on Lexis as well. Online legal research requires you to develop skills that are more advanced versions of the typical Boolean searches that people do on Google. The legal search engines came before the rest of the internet developed and have a better indexing system (based on book indexes). Knowing the book genesis of the legal research search engines will allow you to do faster online research and ultimately to become better lawyers. I realize that’s a hard statement to prove at the law school level but I urge you to trust your professors on that point.

*Optional*: Bryan L. Garner, *The* *Red Book: A Manual on Legal Style 2d ed.* (Thomson-West 2006). Every attorney has this book or one of its competitors. Bryan Garner also edits Black’s Law Dictionary. *The Red Book* will provide you with lots of very useful information on everything from legal usage to commonly misused words to grammar review to graphic design (an area of especial interest to me).

**Readings (they aren’t optional):** You are expected to complete the assigned reading prior to each class. I will assume that you have completed the assigned reading. We won’t do the in-book exercises.

**Communications:** Please note that I use a course web board to post all major documents and announcements. You should check the course web board regularly for new assignments, changes in assignments, and for administrative details that I need to pass on to the entire class. With respect to emails – there are whole chapters of books (one in our own textbook) that talk about professionalism, polishing, etc. etc.

**Attendance policy:** Classes are required (even though half take place at 9 am on Fridays). Law School rules and regulations allow absences without penalty equal to the number of credit hours (in our case, **two**). Being significantly late to class counts as an absence. The law school penalties for excessive absences and/or habitual lateness include grade reduction and/or the loss of ability to submit a final paper. Just so you know, I am reasonable but not a pushover. I have reduced student grades for tardiness and excessive absences and I have also had to exclude students from the final paper submission.

Conferences are considered classes. When you sign up for a conference you should treat it as you would any other professional appointment. If you cancel it, please do so with as much advance notice as possible – email is best in those circumstances. I cannot guarantee that I can reschedule a conference because I am trying to see many students during a compressed time frame.

**Grading policy:** Your grade is based on the second, graded memo. In order to submit the graded memo you also need to complete the interim assignments in a timely and good faith manner. You will want to do this anyway, because I provide feedback on those earlier assignments.

**Conferences:** The conferences later in the semester will be what we call live critiquing conferences. That means that I will not be commenting on your paper ahead of time but that we will be speaking about it together. To help you remember our discussions, I will mp3 record the meetings and upload the files to your FileStore folder. This method also gives you more control over your own writing process because you can walk in with a draft that you last worked on five minutes before our meeting. It also gives you the ability to go back afterwards and take the notes that you need on the draft itself.

**Electronic Submission:** Writing assignments will be turned in electronically via the Filestore feature of the web board. On the due date of an assignment is due, upload the document prior to the stated deadline, using both Word and pdf formats. I use Word because that allows me to use the embedded comments function at certain times, and sometimes even during the conferences themselves. We will talk about how to name the submitted documents – basically, include at least part of your name as well as the name of the assignment.

**Ethical Issues:** Your written work must be completely your own. Moreover, the graded memo is considered a final exam and is governed by the law school’s academic regulations with respect to producing your own work. Lawyers face real sanctions for ethical violations and we mirror that responsibility in law school. It is part of our job teaching you practice skills to hold you to the standards of the profession.

**You may:**

(1) Discuss the assignments and your research findings with other Robbins 1L students and Robbins TAs. And

(2) use examples and information provided or authorized by me. And

(3) Use the course web board discussion feature to ask questions of your classmates; and

(4) Consult with me, the TAs.

(5) Consult with the other law school resources listed on the first page of this document.

**You cannot (i.e. the specialized ethical don’ts of the course):**

(1) Examine, review or proofread the for-course-submission work of any other 1L students (current or prior), unless explicitly provided as an exercise during class or with my permission. If in doubt, ask me.

(2) Solicit answers from *anyone* other than me, our research librarian, writing specialist, academic success program or the course TAs, unless I give you express permission. \*\*For the purposes of this course, “soliciting answers” includes asking for, receiving and/or reading 1L submissions from students in prior years unless I give you documents as samples. I will provide you with samples, I promise.

(3) Unless I give you express permission, provide your written work to any other person for the purposes of having that person examine, review or proofread your written work.

**A word on citation & the related issue of plagiarism:**

You will be given a class on plagiarism as part of your 1L Professionalism Hours. Beyond the “cannots” you will learn there and beyond those listed above, I realize that many first year students are confused about citation. A failure to properly attribute material constitutes plagiarism in law school. It is reasonably easy to avoid a plagiarism accusation, and the great majority of law students quickly understand the standard. There are resources available on the Legal Writing Institute website, [www.lwionline.org](http://www.lwionline.org) In law, it is always better to attribute material. When in doubt, cite.

**What to do if you have questions about acceptable versus not:**

First, consult the rules of the course and of the program (available on the website) and the academic rules of the law school. If, after reading the rules, you wish clarification, etc., please ask. My advice is to avoid making assumptions that may hurt you now or later in your career. Because lawyers are held to rigorous standards of ethical conduct, breach of ethical requirements in law school necessitate grade penalties. In the more egregious scenarios the breaches may also result in expulsion from the course and/or honor code proceedings.