

LAWYERING PROCESS 1
(Law 505-007)
SYLLABUS¹
Fall Semester 2009

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Class Meets: **Tues @ 1:30 – 2:55 p.m. & Fri 12:10 – 1:35 p.m.**

Rm 203

REQUIRED TEXTBOOKS

Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* (3d ed. Aspen 2006)
Deborah E. Bouchoux, *Aspen Handbook of Legal Writing* (2d ed. Aspen 2009)
Linda H. Edwards, *Legal Writing and Analysis* (2d ed. Aspen 2007)
Krieger, & Neumann, *Essential Lawyering Skills: Interviewing, Counseling, Negotiation, and Persuasive Fact Analysis* (3d ed. Wolters Kluwer Law & Bus. 2007)
Amy E. Sloan, *Basic Legal Research: Tools & Strategies* (4th ed. Aspen 2009)

NOTE: Most of the required texts will also be required in LP2 so be sure to check book list for LP2 before you dispose of them.)

COURSE GOALS AND OBJECTIVES

You will never “know” all of the law but to be a good lawyer, what you most need to know is how to learn, write and talk about the law. This course is designed to teach you how to do basic legal research, interpret and synthesize the authorities you find, analyze a client’s problem based on the “law” you find, and communicate your analysis effectively orally and in writing; to introduce you to the fundamental lawyering skills of interviewing and client counseling; and to acculturate you to the professional norms of the legal community. By the end of the semester, you will:

Legal Research

- Understand the American legal system and the precedential value of various sources.
- Understand the recursive and analytical nature of the research process.
- Have the skills to research and update primary and secondary sources in both print and electronic materials.
- Understand the importance of both law and facts in conducting legal research.
- Be able to use citation manuals and other sources to determine proper citation form.

Legal Analysis

- Be able to read the law and interpret it accurately.
- Be able to select appropriate authorities to support your analysis of legal issues.
- Know how to identify and synthesize relevant information from legal authorities.
- Recognize and use various kinds of legal reasoning to accurately analyze legal issues and predict outcomes.

¹ This syllabus is subject to change any time during the semester. If any changes are made, the revised version will be posted on TWEN and you will receive an e-mail notice of the posting.

Legal Writing

- Be able to communicate the analysis of legal issues in writing.
- Be aware of the needs of the audiences of various documents and begin to use the paradigm for legal analysis to organize legal memoranda and letters.
- Begin using a direct, active style of legal writing and pay attention to details that impact your credibility.
- Be able to evaluate your own writing and that of your colleagues and discuss what makes written and oral communication effective.

Lawyering Skills

- Be able to organize your time effectively and follow detailed instructions and rules.
- Know how to educate yourself about new legal issues and become a self-sufficient legal learner.
- Know how to prepare effectively for and conduct a thorough and thoughtful client interview by establishing trust with the client and asking appropriate questions.
- Be able to present your research findings and analysis to a professional colleague.

Professionalism

- Know about the rules of professional conduct related to client interviewing & counseling - competency, confidentiality and loyalty.
- Be aware of professional norms and conventions and use them to interact effectively as a member of the legal community.
- Develop or affirm your commitment to doing accurate and thorough work.
- Work productively, collegially, and courteously with professional colleagues.

TIME COMMITMENT

As in any graduate or professional school course, students are expected to spend approximately 3 hours outside of class for each hour in class. You will find the work for this course is not as evenly distributed as in other classes. Some weeks you will need more than 9 hours to complete your LP assignments; some weeks you won't.

GRADING

As in all of your law school courses, your grade for this course will be released by the Registrar's Office approximately one month after the semester is over. However, throughout the course, you will receive written and oral feedback and your grade will be based on more than just an exam. I will not give "grades" on any assignment but I will give scores on some assignments and I will let you know if I am worried that you might fail the class.

Your final grade will be based on the following components:

1. Attendance, Class Participation, and Course Requirements: 25%

Regular attendance, thoughtful preparation for and participation in class, and completion of all exercises and assignments are required. You will spend most of the semester working on one course requirement – learning to write an office memorandum (OM1). I will instruct you about each step in the process and you will get feedback from me, the TA or a colleague throughout the process. Although OM1 will not be separately graded, the work you do on it will prepare you to complete OM2 and it will account for 10% of this 25% of your grade.

2. Exam: 20%

The exam will cover the material from the textbooks and class discussions and will give you an opportunity to review what you have learned as you finish working on OM1. It is not a typical law school essay exam because it will be administered during class and it will have multiple choice, matching, and short answer questions. The exam will be administered according to the law school's exam policy.

3. Office Memorandum 2 (OM2): 55%

You should think of this assignment as a take-home final exam. It will simulate a project you might get as a law clerk or new associate in a law firm. You will conduct an interview to gather the facts and identify the legal issue(s), complete the necessary research and write a memorandum that analyzes a legal problem. To complete this assignment, you will follow the same steps you used to write OM1 but without the extensive instruction you will get on OM1. We will discuss the client's problem in class and I will answer questions on TWEN. In addition, you will be able to schedule one live critique with me and you may get assistance from the TA or CASE Mentors.

TWEN

I have created a course on The West Education Network (TWEN) and I will use TWEN to post class materials, answer questions and send emails. If your e-mail address changes during the semester, it is your responsibility to update it on TWEN. I prefer that you post questions about the course or assignments on TWEN because more often than not, other students will have the same question. Posting on TWEN makes life easier for all of us because you can check to see if someone else has already asked the question and I only have to answer it once.

PROFESSIONALISM

One of the goals of LP is to help you become familiar with the professional norms of the legal community, and to do that, I find it is best to be explicit and make my expectations clear from the beginning. I have compiled the following guidelines and failure to observe any of them may affect the participation component of your grade:

Attendance: I expect you to treat class as you would any professional commitment. I will circulate an attendance sheet at the beginning of each class. Please initial the box for the date of class. If you are not able to attend class, let me know **in advance by e-mail** or, if it is an emergency, as soon afterwards as is possible. The Class Participation component of your grade will be affected if you do not follow this policy and if you miss more than 4 classes, you may be administratively disenrolled from the course pursuant to Student Policy Handbook, 2.06 The Student Policy Handbook is located at <http://www.law.unlv.edu/studentInfo.html>

Cellphones, Laptops and Other Electronic Devices: I expect you to be professional and courteous in class. Please turn off your cellphones and other electronic devices so that you and those around you can concentrate on class. You may use laptop computers in class to take or review notes, however, unless I ask you to access the internet for in-class work, please refrain from using the internet during class.

Email, TWEN Postings & Other Communication: In professional settings, the quality of your communication is important. You should get in the habit of communicating in a professional manner – whether by memo, letter, email or voicemail. Be sure to use complete sentences; proper spelling and punctuation; polite, respectful language; and professional tone and format.

Courtesy and Civility: Even when the class is engaged in lively discussions, I expect you to treat each other civilly and respectfully, wait to be recognized before you speak, and be respectful of whomever is speaking by avoiding side conversations.

Deadlines & Due Dates: Similar to filing deadlines in court, due dates and times for all assignments are firm. Hard copies of assignments are due at the beginning of class, unless specified otherwise, and I will circulate a folder to collect assignments. If you are not in class when the folder is circulated, it is your responsibility to make sure I get the assignment. Your grade will be adversely affected by tardy assignments. Should a genuine emergency arise, you **must** request an extension as soon as you know you will not be able to meet the deadline.

FORMAT REQUIREMENTS FOR ASSIGNMENTS

All assignments, except those completed in class, **must**:

- Be in Word or WordPerfect format, double-spaced, use a 12 point font, have one inch margins and NOT be right justified.
- Have a cover sheet in the required format. (A sample cover sheet is posted on TWEN). ,

COLLABORATION GUIDELINES

I often assign small group exercises and assignments and I encourage you to discuss materials and ideas with each other. I firmly believe that collaboration and dialogue expedite learning, however, **I expect any work product you turn in to be your own.** Unless I specifically give other instructions, you are each responsible for turning in each assignment, whether you worked with others or alone.

I encourage you to use other resources available at BSL to improve your research, analysis and writing skills, including our TAs, the CASE Mentors, or the Academic Success Program staff. Your writing will improve if you get feedback and learn to evaluate suggestions and incorporate those that make your work product more clear for the intended audience.

ACADEMIC INTEGRITY

Academic integrity is a concern for every member of the campus community; all share in upholding the fundamental values of honesty, trust, respect, fairness, responsibility and professionalism. By choosing to join the UNLV community, you are bound by the Academic Misconduct Policy and, when faced with choices, are encouraged to always take the ethical path.

PLAGIARISM & OTHER ACADEMIC MISCONDUCT

Plagiarism is one form of academic misconduct. **Copying any portion of the work of another, including that of a student colleague, is plagiarism. Plagiarism and other forms of academic misconduct are subject to discipline under the Wm. S. Boyd School of Law Student Code of Professional Responsibility (Honor Code), <http://www.law.unlv.edu/pdf/StudentHandbook.pdf> , and the UNLV Student Conduct Code, <http://www.law.unlv.edu/studentInfo.html>.**

I have posted several items about plagiarism on TWEN, including a Collaboration and Academic Integrity Agreement. We will discuss plagiarism in class and you are required to read and sign and turn in the Agreement **on Tuesday, 8/28/09**. Whenever you are in doubt about an academic honesty dilemma, check the materials on TWEN; if you can't find the answer to your question, ask me in class or post your question on TWEN. It is always better to be safe than sorry!

COPYRIGHT & FAIR USE

UNLV requires all members of the University community to familiarize themselves with and follow copyright and fair use requirements. **You are individually and solely responsible for violations of copyright and fair use laws. The University will neither protect nor defend you nor assume any responsibility for employee or student violations of fair use laws.** Violations of copyright laws could subject you to federal and state civil penalties and criminal liability, as well as disciplinary action under University policies. To familiarize yourself with copyright and fair use policies, please visit: <http://www.unlv.edu/committees/copyright/>

STUDENTS WITH DISABILITIES

The Disability Resource Center (DRC) coordinates all academic accommodations for students with documented disabilities. The DRC reviews, evaluates and retains documentation of students' disabilities and develops an official Academic Accommodation Plan when warranted. Faculty may not provide students accommodations without an official DRC plan.

- Class 5** **Tuesday, 1 September 2009**
 Topics: Review sample letter; what is an office memo?; search terms & research plans; review writing process & develop project timeline
 Read for class: Edwards, pp. 127-129, ch. 6 & App. A; Bouchoux, ch. 7; Sloan, ch.11
 Assignment due: WE2 & LRT Logs
 New Assignment: OM1-Annotated Source List **DUE: T 9/8**
- Class 6** **Friday, 4 September 2009**
 Topics: On-line research demo; What to do with all the authorities -Sorting & categorizing sources
 Read for class: Sloan, ch. 10 & pp. 315-320; handouts TBA
 Assignment due: None
 New assignment: OM1-Outline **DUE: F 9/11**
- Class 7** **Tuesday, 8 September 2009**
 Topics: Close library; outlining & LS organization – using rules to create structure
 Read for class: Edwards, ch. 7; Bouchoux, ch. 5
 Assignment due: OM1-Source List (2 cc)
 New assignment: TBA
- Class 8** **Friday, 11 September 2009**
 Topics: Options for outline of OM1; intro to Edwards’ paradigm; intro to citations & quotations; citation instruction; 1st cite drill
 Read for class: Edwards, pp. 89-90, ch. 20 & App. A; Bouchoux, App. A
 Assignment due: OM1-Outline; bring ALWD to class today and every Friday
 New assignment: OM1- Discussion Section; ICW Exercises **DUE: S 9/26; F 10/16 (to TAs)**
- Class 9** **Tuesday, 15 September 2009**
 Topics: Explaining the Law – ordering information in RE and effective case illustrations
 Read for class: Edwards, chs. 8 & pp. 117-119
 Assignment due: None
 New assignment: TBA **DUE: TBA**
- Class 10** **Friday, 18 September 2009**
 Topics: Applying the Law – effective reasoning & explicit case comparisons
 Read for class: Edwards, ch. 9 & pp. 120-124
 Assignment due: TBA
 New Assignment: TBA **DUE: TBA**
- Class 11** **Tuesday, 22 September 2009**
 Topics: Putting it all together – umbrella/intro sections, strong thesis sentences & paragraphs; intro PS&S instruction
 Read for class: Edwards, chs. 10 & 21; Bouchoux, pp. 119-121, 157; handouts TBA
 Assignment due: TBA
 New assignment: TBA **DUE: TBA**
- Class 12** **Friday, 25 September 2009**
 Topics: Cite drill; self-edit of discussion
 Read for class: TBA
 Assignment due: Bring current version of discussion section to class (1 cc)
 New assignment: None
OM1- Discussion Section due Sat., 9/26 11:55 p.m. on TWEN (hard cc to class Tues, 9/29)

