

LWRA II MASTER SYLLABUS – ALL DAY SECTIONS

MASTER SYLLABUS

This Master Syllabus governs the LWRA II curriculum. However, each LWRA II Professor has individual classroom policies. Those policies, when combined with this Master Syllabus, create the controlling syllabus for your individual LWRA II class. Additionally, to the extent that your Professor supplements this Master Syllabus with additional material/assignments, or otherwise instructs you to vary from the Master Syllabus, your Professor's instructions supersede the Master Syllabus. You should bring this Master Syllabus with you to all LWRA II class meetings.

REQUIRED TEXTS

- Richard K. Neumann, Jr. & Sheila Simon, *Legal Writing* (2d ed., Wolters Kluwer L. & Bus. 2011).
- Coleen Barger & Assoc. of Legal Writing Directors, *ALWD Guide to Legal Citation: A Professional System of Citation* (5th ed., Wolters Kluwer L. & Bus. 2014).
- Amy E. Sloan, *Basic Legal Research: Tools & Strategies* (5th ed., Wolters Kluwer L. & Bus. 2012).

SUGGESTED TEXTS

- David S. Romantz and Kathleen Elliott Vinson, *Legal Analysis The Fundamental Skill* (2d ed. Carolina Academic Press 2009).
- Bryan T. Garner, *The Redbook, A Handbook of Legal Style* (West 2013).

E-MAIL

Because course information may be sent to your John Marshall e-mail account, you are required to check it daily. If you choose to communicate with your Professor through e-mail, please make sure your e-mails are professional in both substance and tone.

ASSIGNMENTS DUE v. PREPARED ASSIGNMENTS

On the following pages, assignments to “prepare” and “assignments due” are distinguished. “Assignments due” require you to type your work product and hand it in at the beginning of the class, unless otherwise noted in this syllabus. The “assignment due” is your passport to attend class on the day you are required to turn it in. If you have not completed the “assignment due,” you will not be able to attend class that day and will be counted as absent. Assignments to “prepare” require you to think through the assignment and be prepared to discuss it in detail in class, but not to turn in a written work product.

Note, as the class progresses, your professor will likely assign additional relevant tasks that you will be responsible for.

IN CLASS ASSIGNMENTS, PASS/FAIL ASSIGNMENTS, & MANDATORY OFFICE CONFERENCES

If you fail to prepare an assignment listed on the syllabus, timely turn in any pass/fail assignment, or attend a mandatory office conference, your professor may count you as absent and/or reduce your grade (for each occurrence) by 10%.

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LEARNING OBJECTIVES:

After completion of LWRA II, the student should be able to:

- Critically read legal authority, including case law and statutes, and recognize the nuances within that authority.
- Understand the hierarchy of authority in the American common law system and, based on that understanding, effectively use legal authority for legal reasoning purposes.
- Engage in accurate and logical legal reasoning by applying legal authority to a different set of facts.
- Efficiently research primary and secondary legal authority, both in print and online.
- In a formal written work product, the student should be able to:
 - Identify and effectively use different types of legal rules;
 - Engage in analogical reasoning by making appropriate analogies and distinctions between the client facts and the facts of the cases;
 - Engage in deductive reasoning by effectively deploying the CREAC structure;
 - Engage in effective rule synthesis using inductive reasoning by identifying general principle that flows from the specific facts and holding of a single case and extrapolating a rule based on the facts and holdings of several cases;
 - Engage in effective fact-based analysis that recognizes both the legal relevancy of a fact and the nuances present in a body of facts;
 - Write clearly and concisely, with proper grammar and syntax;
 - Correctly and accurately cite to authority in the analysis; and
 - Use effective sentences and paragraphs to develop this analysis.

LEARNING OBJECTIVES (Cont.)

- In the context of drafting and arguing a legal issue, the student should be able to construct an effective theme and theory of the case.
- The student should be able to create compelling legal argument in written form, including the ability to persuasively:
 - Construct a question presented and brief answer;
 - Draft a summary of the argument;
 - State the facts;
 - Frame the legal framework;
 - Explain legal rules through case explanations;
 - Apply the legal rules;
 - Draft point headings;
 - Structure a legal argument; and
 - Anticipate and respond to arguments from the other side.
- The student should be able to advocate effectively in an oral argument context, which includes the ability to:
 - Distill the appellate argument into a clear form that can be understood in an oral advocacy setting;
 - Provide a concise roadmap for the oral argument;
 - Interweave the theory and theme throughout the oral argument;
 - Refer to both the facts and the law clearly and persuasively;
 - Persuasively respond to questions from the bench; and
 - Anticipate and respond to arguments from the opposing side.
- The student should comply with high standards of ethics and professionalism, in terms of work product, class preparation, attention to detail, and adherence to assignment instructions and deadlines.

MAJOR DUE DATES and PERCENTAGES

Assignment	Percent of Grade	Due Date(s)
Appellate Brief Argument Section	30%	February 15, 2015 before 11:55 p.m. via TWEN.
Rest of Brief except Table of Contents and Table of Authorities	Pass/Fail	March 1, 2015 before 11:55 p.m. via TWEN
Final Appellate Brief	50%	March 15, 2015 before 11:55 p.m. via TWEN.
Graded Oral Arguments	20%	April 6-April 10, 2015
Core Grammar	Pass/Fail	Post-Test: January 12 (skip section E)

Mark your calendars immediately with these dates.

WEEK 1

January 12 – 16

Preparing to write the Appellate Brief –Theme, Theory, and Appellate Procedure Rules

- Class 1:** **Read:** Neumann, Chapter 27
 Prepare: Bring final open memo to class
- Class 2:** **Read:** Appellate Brief Record; Neumann, Chapters 32, 34 & 35; Sample Appellate Brief Handout; Supplemental Handout #1.
 Prepare: Chronology for Appellate Record; your theory of the case
 Due: Core Grammar Post Test

WEEK 2

January 19 – 23

Research, Annotated Outline, Point Headings

- Class 1:** Westlaw/Lexis appellate brief research—Tuesday from 1:30-3 (classrooms to be announced)
- Class 2:** **Read:** Sloan, chapters 6, 7, and 8; ALWD rules 14-16, and 18; Neumann, Chapter 33; find/read the applicable appellate rules for the Appellate Brief Record.
 Prepare: Outline of controlling rule(s) for the Appellate Brief with full citations; Neumann Exercises I and II, pp. 251-252

WEEK 3

January 26 – January 30

Standard of Review; Crafting Effective Legal Arguments – organization, structure, persuasive rules and explanations, policy

Class 1: **Read:** Neumann Chapter 36, Supplemental Handout #2 (74 N.W. U. L. Rev. 721 (1979) (pages 721-23 only)).

Prepare: Draft statement of the standard of review and proper citation for it; M-Charts for three cases you will use in the Appellate Brief with full citations

Class 2:

Read: Neumann, Chapter 37, Supplemental Handout # 3

Prepare: M-Charts for three cases you think opposing counsel will use; Five “major” points why your client should win; Three policy arguments re: why everyone should receive an “A” on the first draft of the Appellate Brief Argument Section

WEEK 4

February 2-6

Refining the Theory and Theme of the Case and Drafting the Argument; Signals and Parentheticals

Class 1: **Read:** Review Neumann Chapter 27; Supplemental Handout #4.

Prepare: N/A

Note: Appellants meet one-half hour before usual class time and Appellees meet one-half hour later than class usually begins. Both sides will meet for a total of one hour.

Class 1: **Read:** Review Neumann Chapter 27; Supplemental Handout #4.
 Prepare: N/A
 Note: Appellants meet one-half hour before usual class time and Appellees meet one-half hour later than class usually begins. Both sides will meet for a total of one hour.

WEEK 5

February 9–13

Statement of the Issue; Summary of the Argument; Final Q&A for the Argument

Class 1: **Read:** Neumann Chapters 28 (pp. 210-213) and 38
 Prepare: Draft of Statement(s) of the Issue, Revised Draft of the Argument Section
(Note: These will be your ticket to attend class. If you do not have them, you will be asked to leave and marked absent).

Class 2: **Read:** N/A
 Prepare: Questions you want addressed about the Argument

Due: **Argument Section Due Sunday February 15 before 11:55 p.m.
via TWEN.**

WEEK 6

February 16-20

The Statement of the Case and The Statement of Facts

Class 1: **Read:** Neumann, Chapters 28-31; Supplemental Handout #5.
Prepare: Neumann Exercises I and II, p. 232; Summary of the Argument

Class 2: **Prepare:** Draft of Statement of Facts; at least two questions/issues that you want addressed

WEEK 7

February 23–27

Table of Authorities; Table of Contents

Classes 1 and 2: **Review:** Neumann, Chapter 35 (§35.4)
NOTE: You will work on your TOA and TOC in the usual classroom during the usual class time. Additionally, this week is considered a “flex week.” Thus, if your professor deems it necessary to cover additional material during this time, you will do so during this week.

Due: **Rest of Brief except Table of Contents and Table of Authorities due March 1. Upload to TWEN by 11:55 p.m.**

WEEK 8

March 2-6

Individual Conferences

Regular class will not be held this week. Instead, you will have an individual conference of at least 20 minutes during this week to review your professor's comments on your Argument section.

WEEK 9

March 9-13

Final Q&A for Appellate Brief, Polishing/Editing techniques, and Introduction to Oral Argument

Class 1: **Read:** Neumann Chapters 20-24 and Appendices F and G
Prepare: N/A

Class 2: **Read:** Read Neumann Chapter 39
Prepare: Introduction through roadmap of Oral Argument

Week 10:
March 16-20
Due:

Final Appellate Brief due on March 15.
Upload to TWEN by 11:55 p.m.
No Class: Spring Break

Week 11
March 23-27

Classes 1 and 2: Be prepared to practice your argument in class this week.
Your teacher may announce additional times and dates for practice rounds.

WEEK 12
March 30-April 3

Oral Argument Practice Rounds and Graded Oral Arguments

Class 1: Practice Oral Arguments

Class 2: Graded Oral Arguments

The times and dates of the arguments will be announced by your professor.

WEEK 13
April 6-10

Graded Oral Arguments

Graded Oral Arguments will be held this week. The times and dates of the arguments will be announced by your professor.

WEEK 14

April 13-17

Writing Business Correspondence: Emails, Letters, Office Etiquette

Class 1: **Read:** Neumann, Chapters 25 & 26
 Prepare: TBA

Class 2: **Read:** Materials handed out by professor or posted to TWEN
 Prepare: TBA
 Assignment due: TBA

WEEK 15

April 20-24

Law Practice Writing and Skills: Resumes and Career Skills

Class 1: **Read:** TBA
 Prepare: TBA
 Assignment due: TBA

Class 2: **Read:** TBA
 Prepare: TBA
 Assignment due: TBA

Lexis and Westlaw Brief Research Training

Day Students:

January 19 from 1-2:30 (room tba)

Evening Students:

Lexis: January 16 from 5-6 (room tba)

Westlaw: January 28 from 5-6 (room tba)