

LAWYERING I: LEGAL RESEARCH & WRITING COURSE SYLLABUS

Professor Rachel Jay Smith
Fall Semester 2010
Sections 1 and 2



Premiere, small, urban, public

INTENTIONS FOR THIS COURSE:

All lawyers need the ability to conduct legal research, analyze the law, and convey that analysis in writing.

This is one of the most important classes you will take at law school!

Why? No matter what you choose to do, if you have good research, analysis, and writing skills then you can succeed in any area of practice.

In 1936, Fred Rodell, a professor of law at Yale University, argued that there “are two things wrong with almost all legal writing. One is its style. The other is its content.” We will be dealing with both style and content this semester. Legal documents usually set out rights and responsibilities. If we cannot draft correct and understandable documents, we cannot protect our clients’ rights. To make sure that you are as effective as you can be as a lawyer, our focus this semester will be on finding the law, correctly analyzing the law, and conveying your analysis clearly, concisely, and objectively.

In this class, you will learn to research and write an **objective legal office memo**, a universal tool of practicing attorneys. The objective legal office memo will be our final product.

Although law school is new to you, you already have research, analysis, and writing skills related to your previous studies. You were successful enough in your prior studies to enter law school. Now we will build on that success. We will start with the smallest section of legal analysis, the rules from cases and statutes, how to determine them, write about them, use them to analyze facts from your client’s situation, and then we will work on writing each section of the office memo until we have mastered the entire document.



Rachel Jay Smith
Office Room 413
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Office Hours:
Tuesdays
10:05-11:00 a.m.
or by appointment

OFFICE HOURS

My office hours will be on **Tuesdays, 10:05 - 11:00 a.m. or by appointment**

You are also welcome to stop by my office any time, but I encourage you to schedule an appointment so that I will be available and prepared for your meeting.

Scheduled appointments have priority over drop-in visits. In addition, you are encouraged to ask questions in class.

Please remember, however, that when a due date approaches for a graded

assignment, I may not be able to answer questions that I regard as the analysis or writing decisions inherent in the assignment.

Further, please carefully consider your questions regarding an assignment and be prepared to explain the process that you have undergone to find the answer on your own.

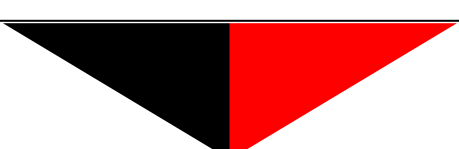
My office is Room 413, and my office phone number is 556-4360. My e-mail address is rachel.smith@uc.edu.

COMMUNICATION

I will communicate with you by e-mail to convey schedule and assignment changes and to provide other information of general interest to the class. Therefore, you must register for my LexisNexis web course so that you will receive all pertinent information. All information communicated via the web course or e-mail is considered to be available to all students, just as if it had been communicated in class. It is your responsibility to check your e-mail regularly.



ASSIGNMENTS FOR THE FIRST DAY OF CLASS:

1. Activate your LexisNexis password and sign up for my LexisNexis web course for this class at <http://www.lexisnexis.com/lawschool/>.
 2. Register your TurningPoint device for your section of this course online at <http://student.turningtechnologies.com/>.
 3. Read **Edwards, *Legal Writing and Analysis*, chapter 1 and pages 127-28, and skim Appendix A.**
 4. Review the PowerPoint presentation at <http://www.law.uc.edu/library/Webinar/legalauthority/index.htm>.
 5. Review this syllabus carefully.
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REQUIRED TEXTS:

1. Linda H. Edwards, *Legal Writing and Analysis* (2d ed., Aspen 2007)
2. Christina L. Kunz, *The Process of Legal Research* (7th ed., Aspen 2008)
3. ALWD & Darby Dickerson, *ALWD Citation Manual* (4th ed., Aspen Publishers 2010).
4. Richard Wydick, *Plain English for Lawyers* (5th ed., Carolina Academic Press)

Please bring your textbooks to class if you had a reading assignment in them.

Occasionally in class, you will be instructed to complete exercises from the textbooks. If you are not so instructed and your reading assignment includes exercises, you may skip over them.

RECOMMENDED TEXTS:

1. If you have been told or believe that you have grammar or punctuation weaknesses, please review and consider purchasing Anne Enquist and Laurel C. Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer* (Aspen Publishers). It also contains a chapter for students for whom English is a second language.
2. Another valuable and affordable writing text is *Elements of Style*, by William Strunk, Jr. and E.B. White.

CLASS EXPECTATIONS

AND GRADING: The skills you will learn in this class are important to your development as a lawyer. You will need to know the material from this class to be able to succeed in upper-level classes and to progress in your professional development. In order to develop a strong foundation in lawyering skills, you are expected to attend and participate in class. You will receive a tentative schedule showing class dates, topics, readings, and the due dates of your assignments.



You will have three major writing assignments this semester.

For these writing assignments you will write predictive memoranda in which you will analyze legal situations and predict the legal consequences of these situations.

- *The first writing assignment is worth 5% of your grade for this course.*
- *The second writing assignment is worth 10% of your grade for this course.*
- *The final memo assignment is worth 70% of your grade.*
- *The remainder of the assignments will comprise the remaining 15 % of your grade.*

The writing assignments will be assessed based on grading criteria you will receive prior to completing the assignments.

The final memo assignment will be graded anonymously. You will receive an identification code before the due date. Use that code on the final memo assignment instead of your name.

The additional assignments, comprising 15% of your grade, will include research, writing, citation, or skills exercises for this class. These exercises will be assigned along with relevant due dates.

In order to receive a passing grade on these assignments, you must complete each exercise in a timely manner and you must demonstrate that you made a good faith effort to complete the exercise. Identify these exercises with your name.

Class participation and class attendance may also affect your grade.

LATE POLICY FOR THE PREDICTIVE MEMOS

Unless I inform you otherwise, the due dates and times for the objective Writing Assignments are as follows:

- # 1 is due September 7 at 10:00 p.m.
- # 2 is due October 8 at 5:00 p.m.
- #3 is due November 21 at 5:00 p.m.

All assignments must be submitted on time. If you turn one in late, your score will be lowered.

If your assignment is more than forty-eight hours late, it will not be accepted and you will receive no points for that assignment.

Extensions of time to turn in an assignment will be very unusual and will be granted in my sole discretion.

If an emergency arises that will require you to turn in a late assignment, you must submit documentary proof of the emergency. If such an unusual situation would arise, call me at 556-4360 or Toni McGuire, Administrative Assistant, at 556-0090.



CLASS ATTENDANCE AND PARTICIPATION

The skills you will learn in this class are just the beginning of your development as a lawyer. As stated earlier, you will need to know the material from this class to succeed in upper level classes and to progress in your professional development.

Therefore, you are expected to attend and participate in class. I will consider class attendance in calculating your final grade for the course.

If you must miss a class, please inform me through e-mail and obtain notes and handouts from your colleagues.

ILLNESSES

Pursuant to the H1N1 Policy of the College of Law, any student sick with the flu is encouraged to stay home. If you must miss class due to the flu, notify me of the absence and the reason for the absence no later than the second day of the absence. Sick students who tell me that they are absent because of the flu will not suffer a grade penalty for missing up to 1.5 weeks of class (defined as 10 consecutive days). If you must miss more than 1.5 weeks of class, I reserve the discretion to require you to provide a doctor's note to confirm the illness in order to avoid grade penalties for excessive absences from class. A doctor providing a note to excuse an absence should not be related to the student. Students can claim flu as the reason for absences for only one series of consecutive absences in any semester. If you must miss multiple days of class due to the flu, I will give you guidance on how to make up missed work.

PLAGIARISM POLICY

Plagiarism is taking someone else's words or ideas and presenting them as your own without attributing them to the original sources. In your written work, you must provide citations to sources relied upon and, when copying phrases, sentences, or sections of another's work, you must use quotation marks and acknowledge the source of the quoted passages. Even if you do not quote directly from a particular source, you must provide a citation if the source is the basis for an idea expressed or the authority for a proposition stated. A violation of this policy constitutes a violation of the University of Cincinnati College of Law Honor Code.



COLLABORATION POLICY

All written work for the memo assignments must be your own.

Absent specific instructions to the contrary, you may not work with other students on assignments and you may not discuss with other students the research and planning you are doing for any memo assignment. However, you may discuss the facts of the hypotheticals and issues for research. You may discuss class materials, forms, and other published materials, which are not cases or statutes to be used in your memos.

You may not review another student's actual writing or share your writing with any other student before you submit your assignment for grading.

Additionally, you may not allow others, including spouses, friends, lawyers, typists, etc., to review and comment upon your work before you submit it for grading.

You may not share your written work with other students until after the

assignment due date has passed and you both have turned in your assignments.



Sharing your written work is unacceptable collaboration, and copying another student's work is plagiarism.

This policy is intended to encourage you to learn as much as you can while ensuring that your written work reflects your individual analysis of the legal problems presented.

A violation of this policy constitutes a violation of the University of Cincinnati College of Law [Honor Code](#).

UNAUTHORIZED ASSISTANCE

Memo assignments and research, writing, skills, citation, and other exercises are frequently reused in whole or in part. Further, such assignments and exercises are sometimes shared among law schools.

You violate the University of Cincinnati College of Law Honor Code if you review or copy the work of others or receive any other unauthorized assistance from anyone, including upper-class students, students from other law schools, information from other law school websites, and former students, related to memo or other assignments.

Further, although you may share your class notes with classmates, you may not disseminate any course materials, such as lectures, assignments, handouts, or exercises, through websites, databases, or in any other way.



ACADEMIC DISHONESTY

The University of Cincinnati College of Law [Honor Code](#) applies to this course. Be sure to read the entire Honor Code.

Additional Directions

TurningPoint

1. Go to the website <http://student.turningtechnologies.com/>
2. Enter your **ResponseCard ID** (found on back of unit)
3. Enter your first name and last name in the appropriate fields
4. Enter your e-mail address in "Other Field"
5. Complete security entry
6. Press **Next**
7. Enter instructor's email address: **rachel.smith@uc.edu**
8. Select class name for your section of Lawyering I and add it to the list on the right
9. Click **Next** and confirm information. You may click Back if you find information you need to correct.
10. If you have any trouble registering your response card, please contact me at rachel.smith@uc.edu.

Register your device by the first day of class.

LexisNexis

1. After you have registered your Lexis password, go to the Lexis site at <http://www.lexisnexis.com/lawschool/>.
2. Click on [Access Web Courses](#).
3. Under Course Catalog, select [Cincinnati, University of](#). Click on [Enroll](#) for my course, **Lawyering I: Legal Research and Writing, Fall 2010 RACHEL SMITH**.
4. Register before the first day of class.

This course will help you develop the written communication skills you will need both in law school and for law-related employment.

Legal analysis and writing may differ from the reasoning and writing you have done in other courses of study.

Be open to understanding those differences and to learning the necessary new skills.