ATTACHMENT 1

SUNY AT BUFFALO LAW SCHOOL

LEGAL ANALYSIS WRITING AND RESEARCH HANDBOOK

COURSE INFORMATION, POLICIES and PROCEDURES, ASSIGNMENTS, AND SYLLABUS FOR SECTIONS U1 AND U2

Prof. Johanna Oreskovic
2015-2016

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I. COURSE INFORMATION

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Writing Fellows: John DiMaio – jtdimaio@buffalo.edu
Aral Eglimez – aralelim@buffalo.edu

Course Description:

This is a full-year course designed to introduce you to legal analysis, writing, and research. During Orientation, you will be introduced to the structure of the American legal system and will learn how to read and brief judicial opinions. During the fall semester, you will learn how to analyze legal problems and to write objective legal memoranda. During the spring semester, you will learn how to research the law, write persuasive memoranda and briefs, and present an oral argument to a trial court.

Section U1 Schedule:

8/25, 8/26, 8/27, 9/1, 9/2 9:00-10:30 – 10 O’Brien

Rest of semester:  Mon./Wed. 12:30 -2:00 – 10 O’Brien

Section U2 Schedule:

8/25, 8/26, 8/27, 9/1, 9/2 11-12:30 – 10 O’Brien

Rest of semester: Mon./Wed. 2:15-3:45 - 10 O’Brien

Office Hours: Tues./Thurs. 2-5 and by appointment. Please schedule appointments. 24 hours in advance.

Writing Fellow: John DiMaio and Aral Eglimez will be the Writing Fellows for both sections. They will be available throughout the semester to answer questions you may have about citation, grammar, writing, and course procedures. John and Aral will hold office hours during the week (please watch e-mail for updates, as their hours will change depending upon their course
schedules). They will also be available to answer questions by e-mail. All course policies and procedures that apply to your interactions with me also apply to your interactions with John and Aral.

**Class Website:** located on TWEN, accessible via Westlaw. Instructions for registering for TWEN will be given on the first day of class. I will also post class assignments, documents, and will update the syllabus on TWEN. You will submit assignments through the TWEN drop box.

**Textbooks:**

**Required**

- Barris, *Understanding and Mastering the Bluebook* 2d ed. ISBN 978-1594607332
- *The Bluebook: A Uniform System of Citation* 20th ed. ISBN 9789301010727 (Bluebook)

**II. ASSIGNMENTS**

You will complete 5 graded assignments: CREAC 1, CREAC 2, CREAC 3, and in-class quiz, and the Final Memo. In addition, you also will complete a number of Legal Skills Assignments.

All assignments listed below must be e-mailed to the designated TWEN drop box by the specified date and time.

**III. LEARNING OBJECTIVES AND THE NATURE OF LEGAL WRITING**

**Learning Objectives**

Over the course of LAWR I and LAWR II, you will learn the skills listed below. We will cover some skills – especially skills related to electronic research and persuasive argument – during LAWR II. The skills listed below are essential to the law school’s overall objective, which is to teach you to become a competent, professional, and ethical lawyer.

**Professionalism:** You should begin to: (1) understand the mindset and behavior of a competent, professional, and ethical lawyer; (2) develop the identity and habits of such a lawyer; and (3) understand the lawyer’s role as a problem solver, advisor, and advocate for clients, and the skills needed to perform that role well.

**Analytical Skills:** You should be able to: (1) read legal authorities – this semester, primarily cases and statutes -- critically; (2) analyze legal rules and synthesize rules from multiple sources; (3) interpret statutes using basic principles of statutory construction; (4) apply legal rules to a given set of facts using the CREAC paradigm; (5) apply law to fact (the A section
of CREAC) using rule-based reasoning, analogical reasoning, and policy-based reasoning; and (6) understand the difference between predictive analysis and persuasive argument.

Writing Skills: You should be able to: (1) present a predictive legal analysis in various written forms, including a formal office memorandum and a client letter (second semester); (2) present a persuasive legal argument in various written forms, including a trial memorandum; (3) draft documents that meet the expectations of lawyers and judges with respect to structure, substance, style, grammar, and punctuation; and (4) develop the habits of close proofreading and careful revision.

Research Skills: You should be able to: (1) understand the workings of the United States legal system, the types of legal authority, the hierarchy of authority, and the principles of jurisdiction and stare decisis; (2) understand the types of primary and secondary legal authority and what they contain; (3) develop a research plan; and (4) research a legal issue using print and/or on-line sources.

Oral Presentation Skills: You should be able to: (1) present a predictive analysis orally in the form of a partner presentation; and (2) present a persuasive argument orally to a mock court.

Legal Citation Skills: You should be able to cite properly to common sources, including cases, statutes, books, periodicals, and electronic sources, using the Bluebook rules for citation.

The Nature of Learning Legal Writing

Learning how to write in this class will seem counterintuitive to a lot of you. For example:

• A writing assignment is an experience through which learning occurs, rather than a test of already learned skills.

• Often, you will learn the skills required by a given writing assignment only by preparing the assignment and then reflecting on mistakes.

• An explanation of a skill cannot alone lead to mastery of that skill.

• I usually cannot tell you in advance the one true way to do a writing assignment because there is no one true way.

• Skills education requires some explanation, followed by you “doing,” followed by critique by me, followed by more explanation, doing, and critique. Gradually, I promise, you will get it.

IV. COURSE POLICIES AND PROCEDURES
Format of Syllabus

The syllabus is organized by class number, date, and topic to be discussed in class. Legal Analysis Assignments (with readings), Writing, and Citation assignments are listed. Readings listed for a class are due and must be completed for that class.

a. Readings

Reading assignments are listed in the syllabus using the following abbreviations: Barris, Romantz, Wydick. Although much of the reading will not be discussed in class, you will, nonetheless, be responsible for content and expected to incorporate readings into your work.

b. Legal Skills Exercises

LSE’s are listed in the syllabus below and, where necessary, will be posted on TWEN. All LSE’s must be included in your Research and Writing Notebook. (See below). Although these assignments are P/F, the quality of your assignments will be factored into your Professionalism grade.

c. Citation

You will learn to cite cases and statutes, both long and short form. You will also learn the proper format for quotations, numerals, and capitalization. You will read the relevant chapters of Barris for an overview of the citation skill to be studied and then complete assignments designed to correspond to the Barris text. We will not be completing Interactive Citation Workbook assignments this semester. All citation assignments must be sent to the designated TWEN drop box by the due date specified in the Syllabus. I will expect perfect cite form for each of the skills discussed in subsequent written assignments. Although the Bluebook looks daunting, it is very logical and systematic. Citing correctly really is not hard if you pay attention to Barris and the Bluebook. Barris will help you to understand the interplay among various sections of the Bluebook. In addition, when in doubt, consult the Bluebook’s Index. If you have survived academia long enough to have made it to law school, you have the ability to decipher the Bluebook (therefore, Bluebooking errors are not acceptable). Although all Bluebook assignments are P/F, the timeliness and quality of these assignments will be factored into your Professionalism grade (see Grading below).

Students with Disabilities

Information on the Law School's Policy and Guidelines for Law Students with Disabilities can be found at: http://www.law.buffalo.edu/current/studentServices/disabilities.html. If you have any questions or wish to seek accommodations, please contact Vice Dean for Student Affairs Melinda Saran.

Grading
You will receive grades for professionalism (10%); CREAC 1 (10%); CREAC 2 (10%) Quiz (5%) CREAC 3 (15%) Final Memo (50%). Please note that in order pass this class, you must complete all assignments -- whether graded or pass/fail – in a manner that represents, complete, professionally qualified work for a beginning law student.

P/F assignments that receive a failing grade must be resubmitted and completed satisfactorily in order for you to pass the course. I will specify the date and time for resubmission of any such assignments.

**PLEASE NOTE:** Failure to comply with major assignment due dates; resubmission dates and times for P/F assignments; and/or attendance requirements (see below) may – absent compelling justification – result in an administrative “F” for the course.

Your grade for professionalism includes attendance; preparation for, and participation in class and conferences; and completion of pass/fail assignments and exercises. More specifically, professionalism requires that you treat faculty, staff, and other students with respect; accept constructive criticism; attend office hours if you have questions; keep a well-organized research and writing notebook; bring texts and notebooks to class; when concerned about a class procedure or a comment made by a professor or student colleague, politely disagree or suggest an alternative; and hand in assignments on time, without justification or excuse.

All grades are final; changes to semester grades may be made only in accordance with the policies listed in the Academic Guidelines and Procedures (General Academic Requirements and Policies) posted on the Law School website.

**Calculation of Grades:** All assignments are graded numerically. These numerical grades, however, are based on the score range of individual letter grades. Therefore, a grade of 9/10 on a 10 point assignment is the equivalent of a 90 and thus, an A-. Perfect scores on all assignments for the semester equal 100 total points. At the end of the semester, I will add your individual scores and convert the raw numerical grade to its letter grade equivalent. Thus, for example, 90-100 will fall within the A range; 80-89 will fall within the B range. When I grade individual assignments, I will follow the definitions for each grade level described in the Law School’s Academic Policies and Procedures Handbook. That Handbook defines each grade as follows:

**Categories of Grades and Other Notations on Student Transcripts:**

Graded courses: Instructors evaluate student work for a course using the following grades:

- **A** Superior work which is significantly better than the normal range of performance expected of J.D. candidates;
- **A-** High quality work that is better than the normal range of performance expected of J.D. candidates;
- **B+** Professionally qualified work which is at the high end of the normal range of performance expected of J.D. candidates;
B  Professionally qualified work which is within the normal range of performance expected of J.D. candidates;
B- Professionally qualified work that is at the low end of the normal range of performance expected of J.D. candidates;
C  Professionally qualified work that is at the lowest end of the range of performance expected of J.D. candidates;
D  Work which is acceptable for academic credit but demonstrates a minimal level of performance expected of J.D. candidates;
F  Work which is not worthy of academic credit.
>F<  Failure due to Academic Dishonesty

Formatting Rules for Writing Assignments

Virtually all courts have formatting requirements for written submissions. Judges often are extraordinarily strict about compliance with these rules. In preparation for real life practice, all assignments for this course must satisfy the rules set forth below, unless you have been given advance permission otherwise. Please note: these specific directions for the style and layout of your written work for this class may differ somewhat from the model shown in the assigned writing textbook. I reserve the right to refuse to read papers that do not adhere strictly to these Rules.

Paper: 8 ½ by 11 inches, white

Electronic: All writing assignments must be submitted in electronic copy in Word (.doc, .docx – no google docs) to the class website on TWEN. Assignments will be timely if they are time and date-stamped before the due date and time.

Margins: One inch margins on all four sides (left, right, top and bottom). If you are following the rules here, you should not be able to get more than 25 lines of text on any page.

Typeface: Times New Roman [12 point]

Formatting: Double-spaced, except that headings must be single-spaced and in boldface type. Block quotations of 50 words or more must be single-spaced and indented from the left margin. The first word of each paragraph must be indented five spaces (hitting the tab key once in Word is sufficient). Papers must be left justified only; do not use full justification. Authority and explanatory material should be provided in the text, not as footnotes or endnotes.

Citation: THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (19TH ED. 2010).
**Binding:** If submitted in hardcopy, staple in the upper left hand corner. Do not use binder or paper clips.

**Page Limits:** Page limits will vary for each assignment. Material that exceeds the page limit will not be read.

**Page Numbering:** Page numbers should start on the second page and begin with page 2. Use the suppress page function on your word processor to suppress page numbering for page 1. Page numbers must be located at the bottom center of each page.

**Identification:** Your paper should bear your name and your section number on a separate front page. You should address your memoranda to me (not to the fictional attorney in the assignment). In a fall semester office memorandum, follow this example:

```
TO: Professor Johanna Oreskovic  
FROM: Jane Smith, LAWR Section X  
DATE: September 1, 2012  
RE: Pass/Fail Assignment 1
```

**E-Mail**

If you have a question about class that you would like the Writing Fellows or me to answer by e-mail, **send the question through the TWEN website to all users.** Please specify whether the question is to my attention or Dave’s. **Responses will be sent to all users.** This rule does not apply to personal messages such as those relating to illnesses or absences.

To help you get into the habit of corresponding as a professional, your e-mails must be correct and professional. Correct writing is spelled correctly, punctuated correctly, and proofread. Professional writing is respectful (addresses professors and deans by title rather than by first name). Just as you were taught as a child, "please" and "thank you" go a long way.

Your questions about the assignments should be specific. “How do I write a memo” is not a specific question; neither is “How do I cite to a federal appeals court.” To promote independent judgment and to ensure that you have thoroughly considered your questions, you must provide:

1. succinct and specific questions;  
2. an explanation of the steps you have taken to answer the questions yourself;  
3. an explanation of why those steps were inadequate and where the confusion remains.

Please note: I will not discuss grades by e-mail.

**Twenty-Four Hour Rules**
I will not accept questions in any form, including e-mail, about a graded assignment during the last twenty-four (24) hours before it is due. The final twenty-four hours should be used for editing, proofreading, and clarifying your writing, not for questioning the rules or the substantive requirements of an assignment. Emergencies are, of course, an exception.

Similarly, I will not accept any questions about my comments on an assignment until 24 hours after I return of your assignment. You should take that time to read and think about my comments and to formulate further questions before talking with me. After you have read and thought about my comments, I welcome the opportunity to discuss your work with you.

**Late Papers and Assignments**

In the legal profession, late submission of materials to colleagues, opposing counsel, or courts is -- at a minimum -- unprofessional and could constitute malpractice. As a lawyer-in-training, you must balance the competing responsibilities of your coursework. While I understand the first year curriculum is demanding, practice is equally demanding, and perhaps even more time-consuming than law school. Accordingly, you need to learn how to respect deadlines, whether imposed by a court, a supervisory attorney, or a legal writing professor.

You also need to balance LAWR with course and attendance requirements for your doctrinal courses. It is **not acceptable** for you to fail to attend or to prepare fully for a doctrinal course because of an LAWR due date.

In a perfect world, we would be able to dedicate ourselves to our jobs completely without the interference of serious emergencies. However, in law school, as in practice, significant situations may arise that preclude the timely completion of an assignment. In practice, if you needed more time to complete a submission to a court due to a family emergency, you would file a motion with the judge to request permission for an extension. Thus, if you are ill or have a family (or other) emergency that would prevent you from turning in an assignment, you must request permission from me **BEFORE** the assignment is due. Depending on how far in advance you make such a request, I may require that you provide me with additional information.

All LAWR sections have uniform deadlines for the final memo, so please be aware that if you print your assignments at school, you may have to wait to use the printer or photocopy machine. Please plan ahead when budgeting your time. Additionally, your technical problems with a home computer do not constitute a valid excuse for late work. These types of technical difficulties occur frequently and can be dealt with if you are punctual and are finished well before a deadline.

All graded assignments must be submitted prior to the assignment due date (see assignment due date schedule in syllabus below). Any student who fails to satisfy this requirement will have his/her grade reduced by one step for each 24-hour period during which the assignment is late. Thus, for example, a student who would have received an A for his or her final memorandum (but submits it one day late) will have his or her grade for the assignment reduced to an A-.

**Feedback**
This class is designed to give you opportunities to develop legal analysis and writing skills through a series of assignments. For some assignments, the only feedback provided will be in class. For other assignments, you will receive written feedback on your work product. Sometimes you will receive handouts that provide recommendations for improvement addressed to the whole class. You are expected to listen actively in class and to read all assigned materials, including handouts, to develop critical insight for reviewing your own work.

It is important that you understand that when I review your work, I will play the role of your supervising attorney, not your professor or your editor. Your audience is a “legal reader” who, unlike me, is not intimately familiar with the subject. Moreover, I do not read your assignment as your editor. I may correct an error the first time it appears but leave it to you to correct that error throughout the rest of your paper and in future work. Therefore, **do not assume that because I did not comment on a particular portion or aspect of your work that it is perfect.**

You will have a lengthy individual conference following submission of CREAC 3. I encourage you to meet with me during my office hours to discuss your work. Please note, however, that if you want to discuss any graded assignment that has been returned to you, I will ask you to wait 24-hours after you receive the assignment to schedule an appointment. I require this 24-hour wait so that you have time to read my written comments, digest them, and formulate your own questions and thoughts. I have found that this policy results in more productive conferences.

**Class Participation**

Throughout the semester, I will ask you to prepare exercises for in-class discussion. You are expected to be prepared and to participate in these discussions. Outside of class time, you also will be required to complete assigned exercises. Class participation also entails attendance in class, at scheduled individual conferences, and good faith completion of non-graded assignments.

**Research & Writing Notebook**

You are required to keep a copy of all assigned exercises, all documents distributed in class or through our website, and all returned assignments in a notebook. You must bring the notebook with you to each class so you can participate in any class discussions or reviews of past assignments.

You **must** attend all classes, absent a valid excuse, communicated to me before class, where possible. I will take attendance.

If you must miss a class, **it is your responsibility to get notes from a classmate and obtain copies of any handouts or assignments distributed in class.** Do not rely on the assignments listed on the syllabus, as I will periodically hand out important documents that are not listed and may announce changes to the syllabus in class. Do not wait until the next class to find out what you missed. **You are required to meet all deadlines for the course regardless of missed classes unless you have made other arrangements with me before the due date.**
Laptops

During the first semester, you are not permitted to use laptops in class. During the second semester, you may bring laptops to class. It is your responsibility to use your laptop appropriately in class. I will not “police” laptop use.

Cell Phones and Other Handheld Devices

These devices must be turned off for the duration of class, absent compelling personal emergency. In some courts, violation of this rule results in a steep fine; in this class, points will be deducted from your professionalism grade.

Plagiarism

Plagiarism is the act of using, in whole or in part, the ideas, words, or language of another without sufficient citation or attribution. In other words, plagiarism is the act of representing another’s ideas, words or language as a student’s own work without identifying the source(s).

Plagiarism constitutes academic dishonesty for purposes of the UB Academic Integrity Policy and will result in sanctions.

UB considers plagiarism to be among the worst possible academic offenses, and it is punished harshly: The minimum punishment is an “F” in the course, plus the insertion into your file of a letter describing the incident, which will then be forwarded along with your transcript to employers and to bar admission authorities conducting fitness and character reviews. For more information and examples of plagiarism, see the booklet on “General Academic Requirements and Policies” for J.D. candidates matriculating in August 2012 or visit:

http://law.buffalo.edu/registrar/default.asp?filename=academicIntegrity

If you have any question about whether a source should be cited, you should always err on the side of caution. We will discuss ways to identify and avoid plagiarism in class.

The No-Collaboration Rule

The default rule for all assignments at all times by all students is simply this: you must work alone, and in solitude, unless one of the exceptions stated below applies. While this is different from what happens in a work environment, there are important reasons for this rule. The faculty at UB is charged with ensuring that all students learn the essential skills taught in the course, and it is our responsibility to judge you on your own efforts. In addition, the no-collaboration rule levels the playing field between those who know upper-level students and those who do not, and between students whose friends or family members are attorneys, teachers, or professional writers and students without these connections.

In particular, students in Research & Writing classes are not permitted to:
(1) discuss or show any aspect of an assignment with family, friends, upper-level UB Law School students, or anyone other than UB Law School faculty, library staff, classmates in Section U1 and 2, or the writing fellows;

(2) for assignments involving research, reveal to anyone other than UB Law School faculty, library staff, or the writing fellows the results of research before research results are discussed in class;

(3) collaborate with other students on the writing of an assignment, including proofreading and/or sharing written text;

(4) ask to see another student’s written work, look at another student’s written work, or allow another student to see his or her written work on any assignment before the assignment is handed in. (Where an assignment involves a first draft and a rewrite, students may not ask to see another student’s written work, look at another student’s written work, or allow another student to see their work before the rewrite is handed in.)

It is essential that you avoid not only impropriety, but also the appearance of impropriety. If students are engaged in behavior that could reasonably be interpreted by others as “cheating,” the burden will shift to those students to prove that they were not cheating, and their own say-so will carry little weight.

Violation of the policies on collaboration will be considered academic dishonesty and may result in sanctions under UB’s Academic Integrity Policy.

Exceptions to the No-Collaboration Rule

As noted above, there are limited exceptions to the no-collaboration rule. In particular, students in Research & Writing classes are permitted to:

(1) discuss any aspect of an assignment with UB Law School faculty members at any time;

(2) discuss and/or debate legal concepts, problems, and potential arguments related to any assignment with the writing fellows or other current UB Law School LAWR students at any time;

(3) discuss research strategies with UB Law School library staff or the writing fellows at any time; and

(4) discuss research strategies with the writing fellows or current LAWR at any time before an assignment is due.

In addition, the no-collaboration rule does not apply if I expressly ask students to work collaboratively on in-class writing exercises or if I provide other specific exemptions from that rule. If you have any doubt about whether collaboration is permitted, please ask.
Compliance Certification

The following signed statement must be added to the end of every graded legal writing assignment to indicate that the student has not plagiarized any portion of the assignment nor received unauthorized assistance:

I have neither given nor received improper assistance, as defined by the University Academic Integrity Policy and the R&W Collaboration Policy, in the completion of this assignment, and it is entirely my own work.

________________________________________
Student signature
INSTRUCTOR SYLLABUS

Please note: This syllabus is a roadmap, not a bus schedule. If it appears that the class needs more time to understand a concept, the Syllabus may be changed. Any changes will be announced via e-mail and posted on TWEN. It is your responsibility to make sure that you are working from the most current version of the Syllabus.

UNIT I: INTRODUCTION TO LAW AND LEGAL ANALYSIS

Learning Goals:

Students will understand the structure of the US state and Federal court systems;

Students will understand parts of a case opinion (West reporter version);

Students will be able to identify parts of a case brief;

Students will be able to brief a short case;

Students will review rules of punctuation and successfully complete Wydick exercises on punctuation;

Students will understand the purpose of legal citation and begin to be able to identify parts of a case citation;

Students will be introduced to the CREAC paradigm for legal analysis, will be able to identify each part of the CREAC paradigm and its function in a legal proof, and be able to place the pieces of a jumbled CREAC in the correct order.

Class 1 Aug. 25

In-Class:

Legal Analysis:

1. Course Introduction – Expectations

2. American Legal System

Writing: No assignment
**Citation:** No assignment

**Reading:** Romantz Ch. 1 C, D, E

**Class 2 Aug 26**

**In-Class**

**Legal Analysis:**

Precedent/Stare Decisis

The structure of judicial opinions

**Reading:** Romantz, Ch. 1 B

**Writing:** Read Wydick pp. 81-90 exercises

**Citation:** No assignment

**Class 3 Aug 27**

**In Class**

**Legal Analysis:**

Case Briefing

**Writing:** Read Wydick 90-101 – complete all exercises at end of chapter. Check your answers in Answer Key at back of text.

**Citation:** Read Barris, Ch. 1 pp. 3-6, 12-20. What is purpose of legal citation? What do citations look like in cases? Why do we cite authorities?

**Reading:** Case to be briefed.

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**ASSIGNMENTS DUE (BOTH ARE PASS/FAIL):** TUES. SEPT 2 BY 9 a.m. TO TWEN DROP BOXES:

1. Case Briefs
2. Wydick, Ch. 9 exercises. Do not change incorrect answers. This exercise is, in part, a grammar diagnostic. For incorrect questions, explain correct answer in margin if you understand the correct answer. If not, note that reason for correct answer is unclear. We will work in class on questions whose answers were not clear to everyone.

**Class 4 Sept. 1**

**In-Class**

**Legal Analysis:** CREAC

Work through Ammon v. Welty in class;
Assign CREAC problems (identify parts of CREAC in Memo posted on TWEN; identify parts of “jumbled CREAC” on TWEN).

**Writing:** No assignment

**Citation:** No assignment

**Reading:** Romantz, Ch. 7A, Ammon v. Welty – Read in this order: Case, Fact Pattern, and Analysis

**Class 5 Sept. 2**

**In-Class**

**Legal Analysis:**

Preparing for your doctrinal classes.

We will read and brief a case in class

Introduction to policy-based reasoning.

**Reading:** Romantz, Ch. 6 Policy-Based Reasoning; Messersmith (TWEN); For your reference, see handout on TWEN “Ten Suggestions for Getting the Most Out of Cases.”

**Writing:** No assignment

**Citation:** No assignment

**ASSIGNMENTS DUE: THURS. SEPT. 3 TO TWEN DROP BOXES:** CREAC Labelling assignment (Hearsay Memo); jumbled
CREAC assignment. BOTH ASSIGNMENTS ARE PASS/FAIL. I will post answer keys for both assignments after they are turned in.

UNIT II: RULES – STRUCTURES AND SYNTHESIS

Learning Goals:

I. Students will understand and be able to formulate legal rules (The R in CREAC)
   a. Students will understand basic rule structures, tests, and the elements of a legal claim;
   b. Students will understand that the “law” in a given area is assembled by reading mandatory authority on a topic (statutes plus case(s) that interpret it; where there is no statute, relevant cases); (This is rule synthesis)
   c. Students will understand that where explicit rule is not given, holdings and reasoning in factually and legally similar cases can be analyzed to discern underlying principles of law. (This is case synthesis)

II. Students will understand the function of rule (case) explanation (The E in CREAC)
   a. Students be able to explain rules using full, targeted discussion of case or cases;
   d. Students will be able to use signals and explanatory parentheticals, where applicable, to explain a case or legal rule.

III. Students will be understand the concept of the “syllogism” and be able to apply a rule using simple, deductive reasoning. (This is the most basic form of application of law to fact – the R in CREAC)

Class 6 Sept. 9

In-Class

Legal Analysis:

Legal Claims and Rule Structures:

a. Identifying a Claim: Types of Rules derived from statutory and case law. Work through Exercise 5-C Dernbach
Rule Synthesis: Define Concept of synthesis and explain its importance in legal analysis

a. Exercise in-class Rule Synthesis Basic example: Statute + cases = complete rule of law

Reading: Romantz, Ch. 2; Read cases and fact pattern for CREAC 1 TWEN. You will need to go back and re-read the cases and the fact pattern several times as we work our way through this unit.

Writing: No assignment

Citation: Case Names Barris, Ch. 2, pp. 37-51

Materials: Dernbach Ch. 5 – JO will read and use some exercises in class

Due: Sept. 10 Complete BB1 Case Names submit to TWEN Dropbox by 9 a.m. All BB assignments are pass/fail.

Class 7 Sept. 14

In-Class

Legal Analysis:

Case Synthesis

1. Piecing together a rule of law from a leading case and several additional cases;
2. Case Synthesis: Finding the implicit rule
3. Questions on citation

Reading: Romantz, Ch. 2 B

Writing: No assignment

Citation: Barris, Ch. 2 Source Information, pp. 51-63.

Due: Sept. 12 BB2 Source Information to TWEN Drop Box by 9 a.m.

Class 8 Sept. 16

In-Class

Legal Analysis: Case Synthesis
Peer Editing Exercise – Case Synthesis

Discussion of Barris, Ch. 2 Short forms

**Reading:** *Owen, Burba, Stern (TWEN)* be prepared to draft and peer edit case synthesis in class

**Writing:** Read Wydick, Ch. 5 Short Sentences. Complete exercises at end of chapter and bring to class to discuss.

**Citation:** Barris, Ch. 2, pp. 66-71 Parallel Citations; Short Forms - Cases.

**Due:** Sept. 16 BB3 to TWEN Drop Box by 9 a.m.

**Class 9 Sept 21**

**In-Class**

Legal Analysis:

Explaining rules: How? In how much depth?

In-Class exercise: How much explanation of the “rule” in the CREAC 1 cases would be needed to make rule clear? Discuss in groups and draft explanation for critique by class.

**Reading:** Review Romantz, Ch. 4 B c, Ch., 7A (3), A Lawyer Writes Ch. 7 (TWEN)

**Writing:** No Assignment

**Citation:** Barris, Ch. 9, pp. 136-44 Signals, Explanatory parentheticals.

**Due:** Sept. 18 BB4 to TWEN Drop Box.

**In-Class**

**Legal Analysis:**

Applying rules: Deductive Analysis and Rule-Based Reasoning

Lecture and exercises on syllogistic reasoning.

**Reading:** Romantz Ch. 4; prepare all exercises for class.
Writing: Wydick Ch. 2 Omit Surplus Words. Read chapter, complete all exercises and bring to class to discuss

Citation: No additional assignment.

Class 11 Sept 28

In-Class

Legal Analysis: In-class exercise -- CREAC

Writing: Wydick Chs. 3 and 4 Passive Voice and Nominalizations. Complete exercises and bring to class

Citation: No additional assignment

CREAC I DUE: WEDNESDAY SEPT. 30 by 9 a.m. to Drop Box (10% of Final Grade. NOTE TO SELF IMPOSE STRINGENT PAGE LIMIT SO THAT STUDENTS WILL UTILIZE WYDICK CLASSES TO EDIT

UNIT III: APPLYING THE LAW

Learning Goals:

Students will begin basic legal research by using an annotated statute and a digest to find cases on a statute of limitations issue;

Students will understand the why a system predicated on stare decisis requires analogical reasoning;

Students will practice drawing analogies to reinforce principles of analogical reasoning;

Students will master 4-step analogical reasoning structure discussed in Romantz;

Students will be able to construct a basic counter-analysis using analogical reasoning;

Students will be able to draw conclusions by assessing the relative strengths and weaknesses of arguments.

Class 12 Sept. 30

In-Class
Legal Analysis: Statutory Analysis

Romantz Ch. 7 Statutory Analysis A, B (2), (3); Handout NY Labor Law and Liebowitz;

Reading: Read Handout on Legislative Intent Download and begin reading materials for CREAC 2, 3 and Final Memo.

Writing: No additional assignment

Citation: Barris Ch. 3 Statutes

Due: BB 5 Exercises Oct. 1 9 a.m. TWEN dropbox.

Class 13 Oct. 5

In-Class

Short quiz on grammar and citation. 5% of final grade.

If class time remaining, use as catch up day

Class 14 Oct. 7

In-Class

Legal Analysis:

Review of Rule-Based Reasoning;
Introduction to rule application using case analogies

Reading: Review Romantz, Ch. 4, Read Romantz, Ch. 3

Writing: No additional assignment

Citation: No additional assignment.

Class 15 Oct. 12

In-Class

Legal Analysis: The Narrow Analogy (1)

Reading Romantz Ch. 3 A, B (1) Practice Exercises.

Writing: No additional assignment
Citation: Barris, Chs. 9-11 Quotations, Capitalization, Numbers, Symbols.

Due: Oct. 10 BB 6 Exercises by 9 a.m. to TWEN Drop Box

Class 16 Oct. 14

In-Class

Legal Analysis:

Analogical Reasoning: Reaching a Conclusion

We will complete Exercises 9 A and B from Dernbach, Ch. 9 in class

Reading: No additional assignment. Work on CREAC 2

ASSIGNMENT DUE: CREAC 2 by SATURDAY OCTOBER 17 by 5 p.m. TWEN Drop Box (10% of Final Grade)

UNIT IV: THE COMPLETE OFFICE MEMO

Learning Goals:

1. Students will deploy correctly synthesis, explanation, and application skills to draft discussion section problem;

2. Students will deploy correctly all citation and writing skills learned to this point to draft discussion section of office memo;

3. Students will incorporate substantive feedback on draft discussion section of office memo into final version of discussion section;

4. Students will learn how to draft questions presented, brief answers, statements of fact, conclusion and recommendation sections of predictive memo.

Class 17 Oct. 19

In-Class:

Legal Analysis:
Discussion of Fact Pattern + Cases for CREAC 3

**Reading:** CREAC 3: Read case file. Begin to work on case comparison chart. (We will discuss in class).

**Writing:** No additional assignment

**Citation:** No additional assignment

**Class 18 Oct. 21**

**In-Class**

**Legal Analysis:**

Discussion of fact pattern + second half of cases for CREAC 3

**Reading:** See previous assignment

**Writing:** No additional assignment

**Citation:** No additional assignment

**Class 19 Oct. 26**

**In Class**

**Legal Analysis:**

Structuring the Analysis – Signposting and annotated outlines

Lecture on thesis sentences and transition sentences

Complete Exercises 13 A and B Dernbach

Work in groups on annotated outline

**Reading:** Dernbach Ch. 13 Signposting

**Writing:** No additional assignment

**Citation:** No additional assignment

**Class 20 Oct. 28**
In-Class

Legal Analysis: Counter-Analysis

Reading: No additional assignment

Writing: Wydick, Ch. 6 Avoiding gaps between subject, verb, objects; put modifying words close to words they modify. Complete exercises and bring to class.

Citation: No additional assignment

Class 21 Nov. 2

In Class

Legal Analysis:

Structuring the Analysis: Large scale

Writing: Wydick, Ch. 8. Avoid Language Quirks. Complete exercises and bring to class

Class 22 Nov. 4

Final Questions for Draft of CREAC 3

ASSIGNMENT DUE: NOV. 7 by 5 p.m. CREAC 3 DRAFT DISCUSSION SECTION (15% of final grade)

Class 23 Nov. 9

In-Class

Legal Analysis:

Remainder of Office Memo

a. Questions Presented/Introductions
b. Brief Answers

Reading: Read complete office memos with instructor comments (TWEN).
Writing:

Drafting the Brief Answer
Revising Poor Questions Presented

Citation:

Review all rules of citation discussed thus far.

Class 24 Nov. 11

In-Class:

Legal Analysis: Remainder of Office Memo, cont’d.

    a. Statements of fact
    b. Conclusion

In-Class Peer Editing Exercise

NOV. 13-24: NO CLASS INDIVIDUAL CONFERENCES

Class 25 Nov. 23

In-Class

Legal Analysis:

Classes Combined: Student Panel on preparing for exams

FINAL MEMO DUE TUES. NOV. 24 by 9 a.m. TWEN (50% of final grade).