

PARL 456 001
ADVANCED LEGAL WRITING AND ANALYSIS
SPRING 2009

INSTRUCTOR: Deborah K. Periman, JD
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OFFICE HRS: T/R 10-11:15 a.m. / Thurs. 1-2:15 p.m.
(Appointments are recommended during office hours and required for conferences at other times)
CLASS TIME: Thurs. 4-6:45 p.m.
LOCATION: SSB 224

COURSE DESCRIPTION:

This course is designed to assist students in developing the research and analytical skills necessary to draft basic legal documents. Students will gain experience drafting a variety of documents, using their own research to support their analysis. Extensive written work is required, in which students will apply legal principles to assigned fact patterns. Students will develop skills in both objective analysis and persuasive legal advocacy. Emphasis is placed on developing effective legal writing skills in the context of formal legal documents.

Basic legal research and basic writing skills should be mastered prior to taking this course. Grammar and spelling will be considered in grade computations.

COURSE PREREQUISITES:

PARL A256, with minimum grade of C; ENGL A111, with minimum grade of B, and ENGL A211, A212, A213, A311, A312, or A414, with minimum grade of B.

REQUIRED TEXT:

Putman, Legal Analysis & Writing (3d ed. 2009) (Thomson Delmar Learning); Charrow, Clear & Effective Legal Writing (4th ed. 2007) (Aspen Law & Publishing); Harvard Law Review, A Uniform System of Citation (18th ed. 2005)

OPTIONAL TEXTS:

LeClreq, Guide to Legal Writing Style (2d ed. 2000)
Bouchoux, Aspen Handbook for Legal Writers (2005)

ATTENDANCE POLICY:

Regular class attendance and participation are required. **You will be held responsible for all material covered in class whether or not the material is included in your class text.** Attendance will be taken at the beginning of each class period and after each class break. If you are not present when roll is taken you will be deemed absent for the entire course period. Because group participation is a key component of this course, **each unexcused absence from the first or second half of class will result in a loss of 10% of the total available participation points. Any student who fails to attend at least 80% of the course meetings may be involuntarily withdrawn from the course without additional notice. In other words, students who are counted absent from six or more 75 minute units of class may be withdrawn from the course, or given a grade of incomplete at the instructor's discretion.**

COURSE REQUIREMENTS:

Reading assignments must be timely completed prior to class to facilitate class discussion. Weekly written assignments must be completed by the due date, with a grade of "pass." **No late homework assignments will be accepted.** All papers prepared outside of class must be typed, double spaced on 8.5 x 11 plain paper, and stapled once on the top left corner. On the top right of the first page, please place the following information:

Your name
Name of class
Date
Name or number of assignment

To facilitate group editing, you will be required to **bring to class extra copies of most of your weekly writing assignments.** You will be advised in class how many copies to bring.

COURSE GRADING:

Letter grades will be assigned in accordance with the

standards described in the current University Catalog.¹ **To receive a grade of D or above, all research assignments must be completed to instructor satisfaction and submitted by the due date.** Weekly writing assignments satisfactorily completed will be marked "pass" and returned to you. Your final letter grade will comprise the following: 25% class attendance and participation; 25% comprehensive office memorandum; 25% appellate brief; 25% final performance exam.

Please note that timely completion of all assignments is essential. Each **weekly written assignment not completed and submitted by the due date will result in a lowering of the final course grade by five percent of the total possible course points available. The grade for any late research paper will be lowered by the equivalent of one letter grade for each business day the paper is late.** Late papers will not be accepted more than four business days after the due date. **Failure to submit a required research paper within four days of the due date will result in a course grade of "I" or "F" at the instructor's discretion. Failure to take the exam at the scheduled time will result in an exam grade of "F" unless arrangements are made in advance to take the exam at an alternate time. The exam will be rescheduled only for serious, unavoidable occurrences. Missed exams may not be made up.**

The instructor reserves the right to add additional homework assignments throughout the semester as deemed appropriate for instructional purposes.

ELECTRONIC DEVICES

The use of electronic devices to record or transmit class lectures, discussions, or other activities is prohibited.

¹ A "satisfactory" grade is a "C"; to earn a grade of "A" or "B," a student's performance must go beyond meeting the basic course requirements. As indicated in the current UAA Catalog, an "A" is an honor grade indicating a comprehensive mastery of the required work. This is "excellent" or "superior" work which demonstrates creative and analytical thinking. A "B" indicates a high level of performance in meeting course requirements. This is "above average" or "very good" work which demonstrates a significant understanding of the lecture and reading materials. A "C" indicates satisfactory completion of required work and a basic understanding of lecture and reading materials. Letter grades will correspond to the following percentages:

90-100	=	A
80-89	=	B
70-79	=	C
60-69	=	D

This course is taught using an interactive approach that requires frequent student participation. Not only is it generally unethical to record others without their consent, but many students are uncomfortable when asked to speak in class, and the use of tape recorders or other recording devices can significantly lower the quality of student participation. If a disability or other unusual circumstance makes electronic recordation desirable, please see the instructor in advance so that appropriate accommodation may be made. In addition, please turn off your telephone and any other potentially distracting electronic devices when you come to class. If a family emergency makes it important that you leave your phone on during class please let the instructor know in advance so that an accommodation may be made that is fair to other students.

LAPTOP POLICY

The use of laptops for the purpose of note taking or special course projects is permitted. **All other uses are prohibited.** Any student violating this policy will be asked to discontinue use of the device for the remainder of the class period. A second offense will result in the removal of the student's laptop privileges for the remainder of the semester. A student's election to use a laptop in the classroom will signify that the **student consents** to the instructor's periodic review of the laptop screen and contents for compliance with course policies. The instructor reserves the right to prohibit all laptop use for the benefit of the entire class. Students with a disability necessitating laptop use should see the instructor.

ACADEMIC HONESTY

Academic integrity is a basic principle that requires that students take credit only for ideas and efforts that are their own. Academic dishonesty (cheating) is defined as the use of unauthorized assistance to prepare materials submitted as original work. Instances of academic dishonesty will not be tolerated. Any dishonest behavior associated with your participation in this class may result in a failing grade for the course. Specific instances of academic dishonesty include, but are not limited to, the use of another's words or ideas, in whole or in part, without adequate citation; submitting your work, without instructor authorization, to anyone other than the instructor for review, editing or correction; and /or the use of electronic recording devices in class without the written permission of the instructor. Unless otherwise indicated by your

instructor, no books, notes or consultation with others will be allowed during exams and you will not be allowed to leave the room and return to continue work on an exam. Please plan accordingly. You are invited to review the current catalog for further information on academic dishonesty and disciplinary procedures.

COURSE SCHEDULE²

The schedule for course readings, assignments, and examinations is set out below. The date preceding each reading assignment is the date on which the assignment will be discussed in class. You are required to complete the applicable reading assignment prior to attending each class.

I. OVERVIEW OF LEGAL SYSTEM AND METHODS OF LEGAL ANALYSIS

1/15 Introduction to course; Introduction to case analysis; In-class briefing exercise and briefing analysis; Review legal citation system.
Reading: Putman pgs. 92-102, Appendix C; Bouchox Cite Mate

Review structure of court system and nature of legal authorities; Overview of litigation process and legal documents.

Reading: Putman chp. 1; Charrow chps. 2,3,4

1/22 Identifying and analyzing a legal problem; Using legal authorities - fact comparison and rule of law comparison; Primary vs. secondary authorities; Components of comprehensive legal analysis; Systematic approach to legal writing, understanding the context of your writing and getting organized.
Reading: Putman chps. 1,2; Charrow chps. 7,8,9

1/29 Statutory analysis.
Reading: Putman chp. 3

2/5 Case analysis and briefing - Overview of briefing process; Identifying parties, their objectives and legal theories; Understanding the procedural posture; Recognizing an opinion's key facts, identifying issues and holdings, understanding the court's reasoning and disposition of case; Drafting the comprehensive case brief.
Reading: Putman chp. 4, Charrow chp. 5
Assignment: Case brief. Due 4:00 p.m. in class 2/12.

² Please note that each group of students is different. To the extent necessary, the course schedule may be adjusted to allow extra time on a particular subject. The instructor reserves the right to modify or add assignments as deemed appropriate. Any changes will be announced in class.

2/12 Review computer-assisted legal research skills;
Advanced computer assisted legal research skills.
Location to be announced.
Assignment due: case brief.

II. DRAFTING THE OBJECTIVE LEGAL ANALYSIS

2/19 The office memorandum of law; Fundamentals of legal writing and common mistakes.
Reading: Putman chps. 11,12,13; Charrow chp. 13
Assignment: Research and draft comprehensive office memorandum. Due 4:00 p.m. in class 3/26 (25% of grade).

2/26 Review research principles; Continue study of specifics of legal analysis - identifying key facts, issue identification, stating the legal issue.
Reading: Putman chps. 5,6,7

3/5 Planning a legal document and organizing your analysis; Case law application and counter-analysis.
Reading: Putman chps. 8,9,10; Charrow chp. 6

3/12 **No Class - Spring Break**

3/19 Work sessions on objective legal drafting.

III. LEGAL ANALYSIS AND ADVOCACY

3/26 The motion and memorandum of points and authorities.
Reading: Putman chp. 14; Charrow chp. 14
Assignment: Revise objective analysis / Draft motion and supporting memorandum. Due 4:00 p.m. in class 4/2.

Assignment due: Research memorandum.

Legal writing seminar - reviewing and editing legal documents.

Reading: Charrow chp. 12

Appellate brief research problem distributed.

4/2 The appellate brief.
Reading: Putman pgs. 369-373, appendix B; Charrow chp. 15

Legal writing seminar - clarifying your presentation and increasing your effectiveness.

Reading: Charrow chps. 10,11

Assignment: Research and draft appellate brief. Due 4:00 p.m. in class 4/23. (25% of course grade)

Assignment due: Motion and Supporting Memorandum.

- 4/9 Researching and drafting the complaint and answer;
 Legal correspondence.
 Reading: Charrow pgs. 28-34; Putman chp. 15
 Assignment: Complaint. Due 4:00 p.m. in class 4/30.
- Legal writing seminar - correcting serious errors.
 Reading: Charrow pgs. 421-448
- 4/16 Work session on appellate brief.
- 4/23 **Final Performance Examination** (closed analysis
 project/opinion letter - 30% of course grade)
 Assignment due: Appellate brief.
- 4/30 **Tuesday** - Course review and summary / Opinion letter
 project review and analysis / Appellate brief review
 and analysis / Complaint review and analysis.
 Assignment due: Complaint.