COURSE SYLLABUS: LEGAL RESEARCH & WRITING

Fall Semester 2016: Sections 3 & 4

Mary Ksobiech
Room 254
mksobiech@law.ua.edu
205-348-7035

LW Class Hours:  Section 4: Mon. & Wed. 9:45-10:35 a.m. (Room 172)
Section 3: Mon. & Wed. 1:00-1:50 p.m. (Room 172)
Combined Classes will meet in Room 172.
Please refer to the Class Schedule and Assignments for detailed information on individual class sessions.

Research Hours:  See Research Class Schedule and Assignments

Required Texts:  Coughlin, Malmud, and Patrick, A Lawyer Writes (2d ed. 2013)
The Bluebook:  A Uniform System of Citation (20th ed. 2015)

COURSE OBJECTIVES: By the end of this semester, you should be able to:
1. competently research cases and statutes;
2. identify legal issues and determine legally relevant facts;
3. present a legal analysis of a problem in a written form that adheres to the conventions of the legal profession; and
4. revise your writing by implementing constructive criticism.

COURSE OVERVIEW: This semester will focus on predictive writing. You will prepare two versions of an office memorandum for which no research is required. This is called the “closed memo.” You will simultaneously learn how to research legal problems by completing research exercises and working in small groups with your research professors. You will then apply what you have learned by interviewing a client, performing your own research on the client’s legal problem, and preparing two versions of an office memorandum concerning the matter. This is called the “open memo.” After the first version of each memorandum, you will conference with me to discuss your work. You will also have a final exam. During the exam, you will be asked to read several cases that I will provide to you and prepare a written analysis of a legal issue on your own.

GRADING: This course is graded, adhering to the law school’s first-year mean. Your grade will be based primarily on the final versions of the open memo and your final exam. I will deduct points or assess failing grades for failure to attend or participate in class; for failure to submit work on time; for submission of inferior work; for violations of the Honor Code; for violations of formatting requirements; or for failure to attend mandatory CALR, court-watching sessions, or conferences. You
will be notified if you are in danger of failing the class. You will use your anonymous number instead of your name on any assignment relating to the open memo and on the final exam.

RESEARCH CLASSES AND POLICIES: Please review the Research Class Schedule and Assignments handout for the Research class schedule, policies, and assignments. You must satisfactorily complete all Research exercises to receive credit for Legal Research and Writing.

PROFESSIONALISM: I expect the same level of professionalism from you that I would expect from a practicing attorney. In the context of this class, professional conduct requires the following:

- **E-MAIL:** Attorneys must regularly monitor and be responsive to communication from clients, courts, and other attorneys. **You must check your e-mail regularly for announcements, assignments, and other information relating to your research and writing classes.** Please note that I frequently use email to communicate with my students. If you choose to use an email account other than your law school address, please verify that your messages are forwarding correctly.

- **TWEN:** Attorneys should know where and how to find information relevant to their work. I will establish a password-protected TWEN page for this course. You will be responsible for using that TWEN page as necessary, which I will explain when providing you the password. The materials contained on that page are for the use of students enrolled in Sections 3 & 4 only.

- **ASSIGNMENTS:** Attorneys should be clear on the expectations for their written submissions. Assignments due "in class" must be ready at the beginning of the indicated class. **Assignments turned in after the beginning of class will be considered late.** I will give specific instructions for turning in major assignments.

- **TIMELINESS:** Attorneys must learn to comply with deadlines. **Due dates and times** for both the research and the writing assignments are strict, barring a genuine emergency such as a significant, verifiable illness or a death in the family. If there is a genuine emergency, you must request an extension as soon as you are aware of it. If no extension is granted, I may deduct points for
any assignment that is late. I will not comment on any assignment that is turned in more than 24 hours after the deadline.

In the absence of a genuine emergency, you will lose 10 percent of the total possible points for the final versions of the open memo if your paper is even one minute late. The same rule applies to your final exam. If you are late with any assignment relating to the open memo, anonymity may be lost.

Please back up your work in case your computer crashes. “Computer problems” of any kind will not excuse a late paper.

- **FORMATTING REQUIREMENTS:** Attorneys must adhere to the local filing rules when submitting formal documents. You must read and strictly follow the formatting requirements attached to this syllabus. Even an inadvertent failure to comply with these requirements may affect your grade significantly.

- **COVER SHEET:** A cover sheet is also required when submitting assignments. Your cover sheet will provide the following: assignment title, your name or your anonymous grading number, the date, your professor’s name, and your legal writing section number. The cover sheet will not be counted in calculating line limitations.

- **CLASS ATTENDANCE:** Attorneys should be present and prepared. You are expected to be in every class. Please notify me if you will be unable to attend any class.

- **TECHNOLOGY:** Attorneys should be respectful of their colleagues, clients, and the court and use technology appropriately. You may not record or photograph any portion of the class without my prior approval. Only in rare instances, such as a medical emergency, will I allow class to be recorded by the Law School’s technology department. Please discuss any request to record class with me as soon as practicable.
You may use a laptop computer in class for class purposes, including note-taking and referring to class materials on your computer. I reserve the right to curtail the use of laptops if I believe they are being used for non-class-related activities or are distracting from our discussion. **I anticipate there will be several classes this semester in which I do not allow the use of laptops, given the nature of our discussion and classroom exercises. Please prepare accordingly.** If you have a phone or other wireless communication device, please turn it off before class.

**COLLABORATION:** Attorneys must adhere to a code of professional and ethical conduct. In this course, you may not discuss or work together on any assignment related to the open memo unless a professor is present. You may not discuss or work together on your final exam. You may discuss the CRAC exercise and the closed memo assignment with your classmates. You will collaborate with a partner to write your closed memo. Otherwise, your written work must always be your own. No one other than your legal writing professor may read or edit your work except during peer editing exercises. Copying any portion of another student's work and handing it in as your own is plagiarism and is a violation of the Honor Code. If you witness these activities and do not report them, you are also violating the Honor Code. You will be required to sign an oath for each research and writing assignment and for your final exam, confirming that you have complied with this policy. You should read the applicable oath before starting each research or writing assignment and ask your professor if you have any questions.

**LEXIS & WESTLAW:** You will learn to use on-line computer research databases (Lexis and Westlaw) this semester. You will be responsible for signing up for and attending the mandatory training sessions as instructed by the Research professors. Once you complete training and receive your password, you should experiment with both services as time allows. You should not, however, use Westlaw or Lexis for your legal writing problems until instructed to do so.

**STUDENT CONFERENCES:** You will have two mandatory conferences with me this semester. The conferences will be held in my office--Room 254. You are primarily responsible for what we will discuss in conference. You should be prepared to discuss any questions you may have, including those raised by my comments. I may also ask you to rewrite portions of your paper or to complete certain tasks prior to conference. Conferences about your work can be extremely helpful to you, but they are of little use if you do not come prepared. You will have
many opportunities throughout the semester to schedule additional writing conferences. I encourage you to take advantage of these opportunities.

**COURT WATCHING:** You must observe one hour of a trial court proceeding this semester. You must submit the attached certification to me by November 23, 2015.

**ADA POLICY:** The Law School is committed to meeting the needs of students with physical, learning, and other disabilities, and provides appropriate accommodations and services tailored to each person’s specific requirements. The Law School’s assistant deans and the University’s Office of Disability Services work together to help individuals with disabilities achieve and maintain individual autonomy. Students with disabilities are encouraged to contact James Leonard, Vice Dean at 348-5927 or jleonard@law.ua.edu so that the individual’s needs for services can be evaluated and accommodated in a timely manner.
**FORMATTING REQUIREMENTS**

Following are the formatting requirements for legal memoranda in Fall 2016:

- You must indent paragraphs at least five spaces.
- You must use Times New Roman typeface and twelve-point type.
- Your left and right margins must be at least 1.25 inches.
- Your top and bottom margins must be at least 1 inch.
- You must number each page. The page number may drop below your one-inch bottom margin, but text may not.
- You must double-space lines, except that block quotations must be single-spaced and indented from the left and right margins.
- You may choose to single-space your point and subpoint headings.
- You may not alter the standard line height.
- You may not justify your right margin.
- You must number your lines, and the total number of lines may not exceed the line limit for the assignment.

If you fail to follow any of these formatting requirements for any reason — intentional or unintentional — you may lose points on the assignment. Your point deduction will depend on the egregiousness of your violation, which I will determine. In addition, if you violate the formatting requirements, you may lose your anonymity and may also be brought before the Honor Council. You are responsible for following all of these formatting requirements regardless of the type of computer software or equipment you use.
LINE NUMBERING INSTRUCTIONS

Microsoft Word 2007: Select Page Layout from the menu at the top of the screen.

Click on Line Numbers and select Continuous in the drop-down menu that appears. To suppress the line numbers for a blank line, place the cursor in the line; if there are multiple blank lines, highlight them. In the drop-down menu for Line Numbers, you can then turn off the line numbering by checking Suppress for Current Paragraph.

Microsoft Word for Mac: If necessary, switch to page- or print-layout view by selecting View from the menu bar and Page Layout or Print Layout from the drop-down menu that appears. Next, select Format from the menu bar and then Document from the drop-down menu. Click on the Layout tab. Click on the Line Numbers box. Click the box next to Add line numbering. To keep count of the total number of lines in your paper, select the circle next to Continuous.

Remove line numbers for any blank lines using the following steps:

   Highlight the first blank line that is numbered. Click the Layout tab, and then click the Line Numbers drop-down menu. Check Suppress for Current Section, and the line number will be turned off for that line. To continue numbering, follow the same instructions and uncheck Suppress for Current Section.
GRADING CRITERIA

An "A" paper will:

▸ address the professor’s comments from earlier versions
▸ be clear, concise, and easy to read
▸ identify all significant issues
▸ have no faulty logic or irrational arguments
▸ be based on thorough research
▸ convincingly apply the applicable law to the facts
▸ make a well-reasoned prediction
▸ use an active, direct writing style
▸ follow acceptable format
▸ have exceptional Bluebooking
▸ be nearly free of errors in grammar, spelling, syntax, and typing

A "B" paper will:

▸ address the professor’s comments from earlier versions
▸ sometimes require the reader to reread to grasp the author's point
▸ be generally well organized
▸ include necessary legal authority
▸ apply the applicable law to the facts with minor gaps in analysis
▸ make a well-reasoned prediction
▸ generally follow the acceptable format
▸ use an active, direct writing style with a few exceptions
▸ have only a few Bluebook errors
▸ contain only minor errors in grammar, spelling, syntax, and typing
A "C" paper will:

- address the professor’s comments from earlier versions with only a few exceptions
- fail to communicate the writer's thoughts clearly and concisely
- contain numerous paragraphing and organizational errors
- lack some necessary legal authority
- apply the applicable law to the facts with significant gaps in analysis
- make a poorly reasoned prediction
- use a dense, passive, or verbose writing style
- stray from acceptable format
- have major Bluebook errors
- contain numerous errors in grammar, spelling, syntax, and typing

A “D” paper will:

- ignore your professor’s corrections
- fail to communicate thoughts adequately
- contain numerous paragraphing and organizational errors that interfere with the reader's ability to follow the writer's thoughts
- be based on incomplete research
- fail to apply the applicable law to the facts in an understandable manner
- make a poorly reasoned prediction
- stray numerous times from acceptable format
- use a dense, passive, or verbose writing style
- consistently display major Bluebook errors
- consistently display major errors in grammar, spelling, syntax, and typing

An “F” paper will have the same problems as a “D” paper but to a greater degree.
To complete this course requirement, you must attend one hour of trial/motion proceedings at the federal or state court. In Tuscaloosa, both courts are downtown. You may also attend trial/motion proceedings in another location if you want to fulfill this requirement while away from Tuscaloosa. You must turn in this form by November 28, 2016.

Please answer these questions about the nature of the proceeding.

1. Was the proceeding in federal or state court?

2. Where was the court located?

3. Was the matter civil or criminal?

4. What type of proceeding did you observe? (e.g. hearing on a motion to dismiss, voir dire, sentencing, traffic court hearing re:____, drug court hearing re: ____)

5. What surprised you about what you observed? Was everything exactly as you anticipated it would be?

Signature:_____________________________

Name:_______________________________

Section:_____________________________

Date of Observation:__________________

Date Submitted:______________________