

Professor Penny L. Willrich
Director Lawyering Process Program

LAWYERING PROCESS I - Fall 2005 – Section A

Learning Research, Predictive Analysis and Writing

Office: Faculty Suite I – First Floor
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Office Hours: I will usually be in the office each day; however, I encourage you to set an appointment. Appointments may be set through the faculty secretary.

Class Meetings: 1:00 – 2:15 p.m., Mondays and Fridays
1:00 – 1:45 p.m., Thursdays (Writing Workshop)

Textbooks (Required):

Friedman, Lawrence (2005). *A History of American Law, 3^d edition.*
Good, C.E. (2002). *A Grammar Book For You and I...Oops, Me!: All The Grammar You Need to Succeed in Life.*
Shapo, H., et al. (2003). *Writing and Analysis in the Law, 4th edition.*
Sloan, A. (2003). *Basic Legal Research: Tools and Strategies.*
Sloan, A. (2003). *Basic Legal Research Workbook.*
The Bluebook: A Uniform System of Citation, 18th edition.

Recommended Texts:

McGaugh, T. et al. (2005). *Interactive Citation Workbook for the Bluebook.*
LeClercq, T. (2004). *Guide to Legal Writing Style.*
Krieger, Stefan, et al. (2003). *Essential Lawyering Skills: Interviewing, Counseling, Negotiation, and Persuasive Fact Analysis.*
Wydick, R. (2005). *Plain English For Lawyers.*
It is also recommended that you purchase a good law dictionary.

PLEASE READ THE ENTIRE SYLLABUS AND COURSE MATERIALS GUIDE. FEEL FREE TO ASK ANY QUESTIONS OR VOICE CONCERNS. MY EXPECTATION WILL BE THAT YOU HAVE READ AND RETAINED THE INFORMATION CONTAINED IN THE COURSE SYLLABUS, COURSE MATERIALS GUIDE, PISL STUDENT HANDBOOK AND HONOR CODE.

Class Policies and Procedures

About the Class

A skills based course and the “life-blood” of your study of law. What you learn in Lawyering Process will be with you for the rest of your career. In this course you will learn to think, analyze, research, predict, write, inter-act with clients, inter-act with colleagues and report to a “senior partner”, just like an attorney. We will not focus on a particular body of law as in your other first year courses but instead we will use a variety of sources to teach you the tools that lawyers use to research, discuss and write about legal issues.

We will discuss and utilize multiple ways to locate the authority that you will need by practicing the traditional “book” method of research and the modern method of computer assisted research. We will visit outside law libraries so that you can increase your familiarity with the tools available to you as a student and as a lawyer. The Writing Workshops are specifically designed to help you improve your writing skills and transform you into an excellent legal writer.

This syllabus outlines a series of assignments that will help you understand these fundamental skills. We will follow the schedule as set forth, however, I reserve the right to adjust the schedule should I determine that adjustment is needed. I will notify you in advance of any departure(s) from the syllabus and the assignment schedule. We will learn how to develop a research plan; organize and write objectively about the research results. *The philosophy in this class is that you learn by doing and you learn to practice law by PRACTICE.*

Attendance

Class attendance is mandatory. Your legal career began the moment you enrolled. Your class attendance is indicative of the professional conduct required of you from this moment forward. I will follow the attendance policies outlined in the Phoenix International Student Handbook. You will automatically be excused for an absence due to religious observation *if I have advance notice of your desire to be excused from class*. To receive credit you must attend at least 80% of the scheduled classes.

I will take attendance in every class by distributing a “sign-in” sheet at the beginning of each class. It is your responsibility to ensure that your attendance is credited properly. Just as you are required to attend Court on time, you are expected to be present in class in a timely manner. If you are late for class, you **may not** sign the attendance sheet and you will be listed as absent for that class. If an unforeseen situation interferes with your attendance or requires you to be late for class, you must notify me as soon as possible. Please follow the PISL Student Handbook and Course Materials Guide.

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Class Participation

Come to class prepared to participate. Preparation means that you have read, thought about, and are ready to discuss the assigned reading materials. You are also expected to spend whatever time is needed in the library to complete your research exercises and to locate the answers to the research problems **using the method assigned for the exercise**. You may not rely exclusively on computer assisted research methods in order to complete your assignments. In fact, if you use computer assisted research to locate answers to assigned problems for which you are to use the traditional manual method, you may be penalized.

Class time will be devoted to covering specific points from the reading, points outside of the reading and reviewing illustrations or a case hypothetical to enhance what you gleaned from the reading. Professionalism includes extension of appropriate courtesies to your colleagues. Attempts to monopolize the class discussion or failure to follow the rules contained herein, the Course Materials Guide, PISL Student Handbook, and Honor Code are unprofessional. Appropriate sanctions may be imposed for unprofessional conduct.

Class Schedule

Attached.

Collaboration

You are expected to submit individually prepared assignments. You are not to work in groups or teams unless you are directed to do so in the assignment directions. Review the Course Materials Guide on collaboration with other assignments.

Conferences

We will schedule two (2) formal conferences. The first will take place before you submit your first major writing assignment and the second will take place before you submit your second major writing assignment. Each conference will be scheduled for 20 minutes. Conferences are part of your professionalism commitment, so please take them seriously. The conferences will be schedule on a first-come, first-served basis and a sign up sheet will be passed around during class. **You will need to come to each conference with a completed Self Assessment of Class Participation and Grasp of Concepts Form** (found in your Course Materials Guide). The conferences will not be used to grade or critique any assignment. They are to engage in dialogue with you for improvement of your research, writing, and analytical skills and to help you identify strategies for improvement.

Diagnostic Assessment

You are required to take two diagnostic assessments before your first class. The Assessments are to be turned in on the first day of class. You will be given additional instruction by separate addendum during orientation. This is not a graded assignment but is **mandatory**.

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Grading

You will be assigned ten (10) research assignments worth 2.5 points each. These 10 assignments will be graded non-anonymously, in other words, put your name on each assignment.

You will be assigned two (2) major writing assignments. The first is a client advisory letter worth 25 points and the second, a predictive memorandum to the senior partner worth 50 points. These 2 assignments will be graded anonymously, in other words do not put your name on the assignment but instead use your Student Grade Number (SGN).

The class schedule will advise you of the due dates of each assignment.

The assignments will be distributed during the class periods and you will be given sufficient time for their completion. The attached Schedule Matrix provides the due dates of assignments.

Plagiarism

Plagiarism is a serious Honor Code violation. It is also a violation of the professional values and ethics inherent in the practice of law. All suspected violations will be reported to the Dean of Academic Affairs. Review the Course Materials Guide, PISL Student Handbook and the Honor Code for the definition of plagiarism and the consequences that can be imposed.

Preparation

Class attendance, reading all assigned materials and completion of all assignments will form the foundation for your competency in legal research, writing and skills. The assignments are opportunities to develop and practice specific skills that you will incorporate into the major projects. The projects function as a midterm and final examination: both will test your assimilation of the concepts that we will cover throughout the semester.

In order to receive credit for the work completed, you must follow the directions and submit the work within the time frame set by the class schedule. Sanctions will be imposed for late submissions just as courts impose sanctions for late filings.

Professionalism and Ethics

Professionalism and ethical behavior are the cornerstones of building your reputation as a lawyer of impeccable character. You are expected to adhere to the Rules of Professional Responsibility. During your time studying the law, please:

Do not hide research materials that are for public use.

Do not mark pages or leave research assignment materials displayed.

Do not tear out pages from any of the resources that are available for public use.

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- Do not collaborate on locating answers to assignments unless specifically directed to.
- Do not sign the attendance sheet for a colleague.
- Do not allow a colleague to utilize your research to complete an assignment.
- If your action "feels" wrong or in violation of professionalism, it probably is...so...don't do it.

Push-Pull Points

Evaluation of your class participation, preparation, professionalism and research journal shall be the basis of awarding "push-pull" points. You may receive up to five (5) bonus ("push") points at the end of the semester, if as a whole, I determine that you came to class prepared, participated in a constructive manner, followed the directions for all assignments, exhibit professionalism and completed your research journal. By the same token, you may also have up to five (5) points deducted ("pulled") from your final grade, if overall, I determine that you came to class unprepared, were disruptive or participated in a manner that hindered the class, failed to exhibit professionalism, violated any provisions of the PISL Student Handbook, Honor Code, Course Materials Guide or this Syllabus.

Research Journal

Lawyers document their time through a billable hour system. We will document our time through a Research Journal. Purchase a spiral-bound notebook or other type of 8 1/2 by 11 journal to specifically keep track of the steps and sources that you use to complete each assignment (including your major assignments). I will ask to review your research journal periodically during the semester. **Please keep it current.** Your journal should:

1. Identify the assignment.
2. Identify each source that you used and why.
3. Explain your research strategy for finding the answers to the assignment.
4. Explain any difficulty that you had in finding/using the resources.
5. Keep track of all of your time spent on each assignment in increments of 15 minutes.

Students with Disabilities

Academic accommodations for students with disabilities are provided in accordance with the Americans with Disabilities Act and Rehabilitation Act 1973, as amended, after professional review by the Assistant Dean of Student Affairs or other person designated by the Dean. Students with disabilities who believe they need accommodations are urged to contact the Dean of Student Affairs at the earliest opportunity. Compliance with the PISL Policy for Disabled Students is required for reasonable accommodations.

Submission of Assignments

Unless the assignment specifies that it is to be turned into during a class meeting, all assignments are due at or before 7:00 p.m. of the due date.

The due date/deadline for each assignment is firm.

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Each assignment must be time and date stamped (just as court filings).

The time and date stamp machine is located in the first floor Faculty Office Suite.

The assignment shall be placed in a box bearing the Course Title and my name or section number.

Do not place work on my desk, under my door, or in my faculty mail box.

The faculty assistant is not responsible for ensuring that your assignment is date stamped or submitted.

If you fail to abide by these rules, your assignment will be deemed submitted when I find it, the time and date stamp notwithstanding.

All assignments must be typed and follow the format listed in the Course Materials Guide, unless otherwise directed by me.

Extensions of due dates are rarely permitted but will be considered for circumstances such as death or illness and at the discretion of the Professor.

Technical problems with producing the assignments and transportation delays are problems that you need to anticipate and are not considered valid reasons for an extension.

FINAL WORD

I want every student to perform as well as s/he possibly can in Lawyering Process I. I think that I can help this happen if I take a great deal of care with the educational quality of the course, the consistency with which it is taught and the fairness with which students in the course are treated. This Syllabus and the Course Materials Guide sets out everything you need to know about the course, from what we will cover in each class, class policies and procedures, and the things you need to do to get the best grade possible. You can expect, quality, rigor, fairness and a sense of humor from me.

Lawyering Process I – Section A – Fall 2005

Class: Monday and Friday 1:00 to 2:15 p.m.

Workshop: Thursday 1:00 to 1:45 p.m.

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Schedule Matrix

Week # Class #	Date	Reading Assignment	Class Topic	Workshop Topic	Assignment Due
1 (1,2)	08-29-05 to 09-02-05	Friedman – xi to 61 Shapo 26-32	Overview of Class; Review Syllabus and Course Materials Guide History of the Law Introduction to Jurisprudence	Plagiarism	08/29 Diagnostic Assessment All assignments distributed Learning Style Assessment
2 (3,4)	09-05-05 to 09-09-05	No class September 05 th Friedman – 516 to 566 Sloan 327-347 Good Part V	History of the Law Research Planning	Precision through Good Grammar – Punctuation Review Good Part V	No written assignment due. Early filing accepted.
3 (5,6)	09-12-05 to 09-16-05	Sloan 1-72 Shapo 1-25 Good Chapter V	Introduction to Legal Research Introduction to the American Court System Research strategies and Secondary Sources	Precision through Good Grammar – Pronouns Review Good Chapter V	Assignment 1 – September 15 th .
4 (7,8)	09-19-05 to 09-23-05	Sloan 73-121 Shapo 33-40 Shapo 253-254 Wydick 7-53 Good Part III	Fact Analysis and Research through Case Opinions and Case Briefing The West Digest System	Writing Effective Sentences Review Good – Part III	No written assignment due. Early filing accepted.
5 (9, 10)	09-26-05 to 09-30-05	The Bluebook Sloan 10-17	The Uniform System of Citation	The Psychology of Writing	Assignments 2 and 3 – September 26 th .
6 (11,12)	10-03-05 to 10-07-05	Sloan 123-148	Updating Your Case Law Research through Shepard's Citators	Citation Review	<u>Student Conferences</u> – Bring Self Assessment and research journal Assignment 4 – October 6 th

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7 (13,14)	10-10-05 to 10-14-05	Sloan 151-191	Statutory Research Statutory Analysis	Editing, Revision and Proof Reading	No written assignment due, early filing accepted.
8 (15,16)	10-17-05 to 10-21-05	Sloan 193-265	Legislative Analysis Administrative Research	Writing Essay Exams	10/18 1st Major Assignment Due Assignment 5 – October 20th
9 (17,18)	10-24-05 to 10-28-05	Sloan 293 – 324 Shapo 179-203 Good Part IV	Electronic Research Westlaw and Lexis	Connection Between Paragraphs Review Good Part IV	Assignment 6 – October 27th
10 (19,20)	10-31-05 to 11-04-05	Sloan 25-70 Shapo 205-223 Good Part IV	Secondary Authorities	Connection Between Sentences Review Good Part IV	Assignment 7 – November 03rd
11 (21,22)	11-07-05 to 11-11-05	Krieger 25-36 ; 79-104 Shapo 225-230 Good Part IV	The Lawyer as Problem Solver Client Interviewing	Grammar Rules and Rhetoric Good – Part IV	Assignment 8 – November 09th
12 (23,24)	11-14-05 to 11-18-05	Krieger 1-30 Shapo 230-240 LeClerq 83-102	Ethical issues in Client Counseling and the practice of law	Writing for the Law Practice	Assignment 9 – November 17th
13 (25, 26)	11-21-05 to 11-25-05	No class November 23, 24 and 25th	Free Research Day	No Workshop	<i>Student Conferences</i> – Bring Self Assessment and research journal
14 (27,28)	11-28-05 to 12-02-05		Synthesizing and applying the research to the facts	Citation Review, Editing, Proofreading	Assignment 10 – November 28th
15 (29,30)	12-05-05 to 12-08-05		Legal Research Overview	Exam Skills Review Open Discussion	12/08 2nd Major Assignment Due Complete Course Evaluation Turn in Research Journal for review