LAW A506A – Legal Analysis, Research, and Writing
Autumn Quarter 2013 Syllabus

Class Times and Location
T F 10:30-11:50, Room 116

Contact Information
Professor Tom Cobb | tomcobb@uw.edu | 206-543-6136 | W.H. Gates Hall Room 320
Office Hours: T 3:30-4:30, Th 10:30-12:30

Faculty Assistant Laurie Carlsson | lauriekc@uw.edu | 206.616.3920 | W.H. Gates Hall, Room 326

Legal Writing Fellow Talia Butler | talia@uw.edu

Course Website | https://canvas.uw.edu/courses/849946

Course Description
Legal Analysis, Research, and Writing (LARW) is a seven-credit course that you will take throughout your 1L year. In Autumn Quarter (3 credits), you will receive a rigorous introduction to legal reasoning, legal research, and methods of interpreting the law. Several writing assignments will help you hone your analytical skills and practice the fundamentals of drafting clear and concise answers to legal questions. You will participate in lectures, workshops, and hands-on activities that will take place both in and out of class. LARW is built around fundamental goals and objectives that you should review periodically throughout the year to assess your progress (available on the main LARW website). You will receive a separate syllabus at the start of each quarter.

Required Texts and Materials (and abbreviations used in syllabus)

SUPPLEMENTAL MATERIALS In addition to the required texts below, please also check the course website each week for supplemental materials that will be posted there (additional readings, handouts, exercises, and short video clips).

TEXT Kenneth J. Vandevelde, Thinking Like a Lawyer: An Introduction to Legal Reasoning (2d ed. 2011)

CASE FILE Documents from Colbert v. Moomba Sports, Inc. (purchase a bound copy at the University Bookstore or download from course website and print on your own)

WLR Julie A. Heintz-Cho, Tom Cobb, and Mary Hotchkiss, Washington Legal Research (2d ed. 2009)


BLUEBOOK The Bluebook: A Uniform System of Citation (Columbia Law Review Ass’n et al. eds., 19th ed. 2010)

Note: The Bluebook legal citation manual comes in three formats: print, online (via annual subscription), and as an iPad or iPhone app (called Rulebook). Our Gallagher Law Library has prepared a blog post explaining the pros and cons of these three formats. If you’re interested in my perspective, I recommend the print version; you’ll use it for years and you’ll save time while writing on a word processor if you don’t have to switch to a different screen or app every time you want to look something up.
Optional/Recommended Texts – to help with writing

- *Black’s Law Dictionary* (available in three formats: free online in the Westlaw legal database while you’re a student, as a smartphone app, or in print as full or pocket editions. Buying a print or app version is a wise investment because you’ll use this resource for the rest of your career.)

Optional/Recommended Texts – to help with legal research and citation

- Amy E. Sloan, *Basic Legal Research: Tools and Strategies* (5th ed. 2012) (very comprehensive; includes photos and screenshots of both print and online research resources)

Course Grading

You will receive one final grade for your combined performance during Autumn and Winter Quarters. This course is subject to UW Law’s mandatory grading curve. You must complete all required assignments and activities, whether graded or not, to pass this course.

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<thead>
<tr>
<th>Autumn Quarter</th>
<th>Winter Quarter</th>
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<tr>
<td>Graded Assignment — 40%</td>
<td>Graded Assignments — 50%</td>
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<td>Final Portfolio / Class Participation / Completion</td>
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<td>of Ungraded Assignments — 10%</td>
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Honor Code and Other Academic Policies

Honor Code

Please read the UW Law Honor Code, paying particular attention to Chapter 2’s discussion of student violations. If you have questions about how the Honor Code applies in a particular situation, please ask me for clarification.

- For each *graded* assignment, I will provide specific rules regarding permissible levels of collaboration.
- For *ungraded* assignments, you may *discuss your research and analysis* with any Legal Writing Fellow, other students in this section, students currently in Prof. Cobb’s, Kaltzounis’s, or Ziff’s LARW sections (the three of us collaborate a great deal and will have similar assignments), or your other professors. However, you may *share and review written drafts* only with the Legal Writing Fellows or other students in our section. In other words, the following people may *not review your ungraded written drafts at any time*: family members, mentors, friends at other schools, students taking LARW from other professors, or anyone else who is not me, a Legal Writing Fellow, or a student in your section. These rules modify Sec. 2-204 of the UW Law Honor Code.
- Because matters of proofreading and style are an important part of what we study in this course, I define “Collaboration” more broadly than Sec. 2-204 does.
Attendance

UW Law’s attendance policy requires you to attend at least 80 percent of our class sessions or I may drop your enrollment from this course after the fifth week of the quarter. This course will meet 20 times this quarter, so you may miss no more than four classes. I encourage you to attend them all; this is a hands-on course in which your learning depends on your active participation. The attendance policy allows faculty members to impose stricter attendance standards or other sanctions for nonattendance, including lowering of a grade, and so I will take your level of attendance into account when assigning the participation portion of your final grade.

Disability Accommodations
To request academic accommodations due to a disability, please contact Disability Resources for Students (DRS), 448 Schmitz Hall, (206) 543-8924 (V), (206) 543-8925 (TTY). If you have a letter from DRS, please present it to me so we can discuss the accommodations you might need in this class.

Using Computers and Other Electronic Devices in Class
You may bring cell phones, computers, or other electronic devices to class so long as you mute any distracting sounds or vibrations. Please avoid using cell phones to send text messages unless you must attend to an important and time-sensitive matter (e.g., family emergency or illness, arranging transportation or childcare, etc.). I encourage you to bring your computer to class. If you do so, please use it to take notes or to access the internet for purposes germane to our learning (e.g., practicing online legal research techniques or accessing the course website). Do not use your devices in a manner that inhibits your engagement in the class. I do not want to police your online activities during class, so I ask that you exercise sound judgment and courtesy. However, if I happen to notice inappropriate or distracting internet use during class as I walk around the room, I will take it into account when assigning the participation portion of your final grade.

Important Resources

Gallagher Law Library
The reference librarians at the Gallagher Law Library look forward to helping you become efficient, effective legal researchers during the next three years. Please get to know them so you will feel comfortable seeking their assistance when you have research questions. You can obtain reference support in person by visiting the reference office (located near the Circulation Desk on floor L1), by sending a web/email request, or by calling (206) 543-6794 during business hours. In the next few weeks, please explore the Gallagher Law Library website. Some specific resources you may want to bookmark for use in this course are:

- Washington State Law research guide
- U.S. (Federal) Law research guide
- Bluebook 101
- Legal and General Writing Resources
- Microsoft Word Tips to Make Your Life Easier

CALI
I also encourage you to become familiar with the free learning exercises offered by the Center for Computer-Assisted Legal Instruction (CALI). Under the topic heading “Legal Writing,” you will find exercises to reinforce your learning about citation format, organizing and drafting analytic memoranda, and punctuation/grammar. The “Legal Research” heading includes exercises about discrete research tasks
(how to find a case or statute, how to update authorities, how to use secondary sources, etc.). Obtain a password to register for the CALI website by calling the Gallagher Law Library Reference Office at (206) 543-6794.

**Tips for Class Preparation**

At the end of Winter Quarter, you will turn in a portfolio of all major assignments and a cover letter explaining how your work shows that you met the course’s goals. Stay organized throughout the year by saving copies of your drafts and final papers along with any notes and feedback from me.

Legal analysis, research, and writing courses are among the most time-consuming and challenging courses offered in law school. Major projects require more time and concentrated attention than you might initially expect, and “undergraduate strategies” like waiting until the night before a paper is due to dash off a first-and-only draft will no longer suffice. Consult the course schedule in advance so you can plan ahead for busy periods, reserving enough time for editing and proofreading. If you feel overwhelmed, please see me or your Legal Writing Fellow. We’ll go over the assignment with you and talk about efficient research and writing habits, including ways to divide the assignment into smaller, more manageable tasks. Remember that your Legal Writing Fellow was in your shoes last year and I was a 1L once, too; we are here to help.

**Course Schedule of Topics, Readings, and Assignments**

**Week 1:  “No Vehicles in the Park”: Sources of Law, Interaction Between Statutes and Cases**

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<tr>
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<tr>
<td>T</td>
<td>TEXT Introduction pp. 1-4; Ch. 1.I.A, pp. 9-15 (introduction to enacted law); Ch. 2.I, pp. 37-40 (analyzing statutes); Ch. 5.I.D, pp. 97-100 (addressing indeterminacy through rules of interpretation)</td>
<td>Week 1-Day 1 handout</td>
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<td>F</td>
<td>TEXT Ch. 1.I, pp. 9-28 (background reading: structure of legal system, case, statutes, pleadings, etc.); Ch. 2.II, pp. 40-53 (analyzing cases, stare decisis, facts, holding, dicta, etc.); Ch. 5.I.E, pp. 101-106 (addressing indeterminacy through policy judgments)</td>
<td>Week 1-Day 2 handout</td>
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<tr>
<td>M</td>
<td>Assignment Due (9:30 a.m.): Turn in Assignment 1 (judicial opinion, amended statute, brief reflection exercise, and student questionnaire) TEXT Review Ch. 2.II, pp. 40-53 (analyzing cases, stare decisis, facts, holding, dicta) WLR pp. 3-9</td>
<td>Week 2-Day 1 handout (Kunsch article, jurisdiction maps)</td>
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<td>No reading for today’s class</td>
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**Week 2: Fundamental Common Law Concepts: Stare Decisis, Reversal, Overruling, Holding, Dicta, Binding/Persuasive Authority**

**Special Make-up Class: Room 116, 10:30-11:50**

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**F | 10.04**  
**TEXT** Ch. 3.I, pp. 57-67 (synthesizing the law - statutes).  
**CASE FILE** Read the Colbert pleadings (complaint and two answers; skim remaining documents)  
**SUPPLEMENTAL MATERIALS** Week 2-Day 3 handout (thinking about lawsuits and pleadings)

**Week 3 Colbert Case Study: Learning to Analyze, Research, and Communicate about Legal Issues (Applying Statutes and the Cases that Interpret Them)**

**T | 10.08**  
**WLR** Ch. 1 and Ch. 2 (research tools and techniques), skim Ch. 3 (secondary sources), Ch. 4 (statutes, constitutions, and court rules), and Ch. 5 (judicial opinions and reporters)  
**SUPPLEMENTAL MATERIALS** Week 3-Day 1 handout (research plan template: steps in legal reasoning and overview of the research process; breach of warranty research)

**Special Make-up Class: Room 116, 10:30-11:50**

**W | 10.09**  
**SUPPLEMENTAL MATERIALS** Assignment 2 handout (wrongful death and survival claim)  
**WLR** Ch. 3 (secondary sources), Ch. 4 (statutes, constitutions, and court rules), Ch. 5 (judicial opinions and reporters), and pp. 187-99 (excerpt of Appendix A—Citation)  
**CASE FILE** Review Colbert pleadings  
**TEXT** Review Ch. 3.I, pp. 57-67 (synthesizing the law – statutes).

**F | 10.11**  
**TEXT** Ch. 5.I, pp. 91-115 (applying the law).  

*Assignment due:* Bring research notebook and annotated outline to class. By now, you should have: (1) all relevant Washington Practice entries; (2) all relevant statutes; (3) all relevant cases interpreting the statute or statutes

**Week 4 Colbert Case Study: Learning to Analyze, Research, and Communicate about Legal Issues (Applying Statutes and the Cases that Interpret Them)**

No class meetings / work on your memos and contact me as needed.

**Week 5 Colbert Case Study: Learning to Analyze, Research, and Communicate about Legal Issues (Analyzing a Common Law Tort Claim)**

**M | 10.21**  
Assignment Due (9:30 a.m.): Turn in Assignment 2 (memorandum analyzing Colbert wrongful death and survival claims)

**T | 10.22**  
**CASE FILE** Summary judgment motion briefing and court’s decision re: breach of warranty and wrongful death/survival claims; read remainder of Colbert case file carefully, including all discovery documents (declarations, deposition transcripts, etc.)  
**SUPPLEMENTAL MATERIALS** Week 5-Day 1 handout (key Washington NIED cases and questions/chart)

**F | 10.25**  
**TEXT** Ch. 3, pp. 57-75 (synthesizing the law); Ch. 5.I.H and 5.II, pp. 115-27 (applying the law – addressing indeterminacy through analogies)  
**SUPPLEMENTAL MATERIALS** Review key Washington NIED cases and questions/chart - see **TEXT** Ch. 3.I.C, pp. 65-67.
Week 6  Colbert Case Study: Learning to Analyze, Research, and Communicate about Legal Issues (Analyzing a Common Law Tort Claim)

M | 10.28 Assignment Due: Assignment 3A (draft of legal discussion for NIED memo)

T | 10.29 No reading for today’s class

F | 11.01 SUPPLEMENTAL MATERIALS Week 6-Day 2 handout (sample legal memoranda)

Week 7  The Judicial Process; Analyzing a Court’s Legal Reasoning; Introduce Assignment 4: Variation on Colbert

M | 11.04 Assignment Due (9:30 a.m.): Assignment 3B (memo analyzing Colbert NIED claim)

T | 11.05 CASE FILE Read Colbert appellate briefs and answer study questions

F | 11.08 CASE FILE Colbert Washington Supreme Court opinion
TEXT Parts 5.III, 5.IV, and 5.V, pp. 127-35 (applying the law – deduction and analogy); Ch. 6, pp. 139-80 (policy analysis, synthesis, and application)
SUPPLEMENTAL MATERIALS Assignment 4 handout

Week 8  Using Advocacy to Develop Objective Analysis

T | 11.12 No reading for today’s class

F | 11.15 No reading for today’s class

Week 9  Putting it All Together: Research, Analysis, and Writing

T | 11.19 REDBOOK (skim §§ 10-13 as needed)
WLR pp. 199-210 (excerpt from Appendix A – Citation)

F | 11.22 SUPPLEMENTAL MATERIALS Week 9-Day 2 handout (revision exercises)

Week 10  Putting it All Together: Research, Analysis, and Writing (continued)

T | 11.26 Structured peer review and discussion for those students who have a complete first draft; complete first draft is your ticket to class. Bring a paper copy (or two).
F | 11.29 No classes today — Thanksgiving holiday

Week 11  Putting it All Together: Research, Analysis, and Writing (continued)

M | 12.02 Assignment Due (9:30 a.m.): Assignment 4 (graded) (memorandum analyzing NIED claim for new clients)

T | 12.03 No readings for today’s class.