LAW B598A — Advanced Legal Writing: Motion Practice
Monday, Wednesday, & Thursday 5:30 – 7:30, Room 217 — Summer 2013

Professor David Ziff
William H. Gates Hall, Room 312 | dziff@uw.edu | (206) 543-7491
Office hours: Flexible and by appointment; please email
Secretary: Slaven Svetinovic | Room 325 | slavens@uw.edu | (206) 616-5964
Course Website: Canvas -- https://canvas.uw.edu/courses/842089

Course Description
Advanced Legal Writing: Motion Practice (“ALW”) is a four-credit course during the Summer 2013 quarter. The purpose of this course is to give you a realistic experience drafting a pretrial motion—a motion for summary judgment. Your 1L LARW course provided you with foundational skills in legal analysis, research, writing, and advocacy. This course will expand on those skills. You will apply your advocacy skills to a legally and factually complex real-world case. You will think strategically about using discovery tools to create and supplement a factual record. And you will research and draft a motion for summary judgment, with a focus on improving your legal analysis and persuasive writing.

This ALW course will be based on Keithly v. Intelius, Inc.—an actual case filed in the United States District Court for the Western District of Washington. To the extent possible, I intend to conduct this course as if I were a partner at Danielson Harrigan Leyh & Tollefson LLP, which is the law firm representing defendant Intelius, Inc. You will be DHLT associates on the Intelius “team.” We will start by analyzing Keithly’s complaint, conducting some initial research, and thinking about developing a factual record. We will then analyze a motion for judgment on the pleadings that our client filed (drafted by other associates at DHLT) and the Court’s decision on that motion. Lastly, the bulk of the course will be spent researching, drafting, and editing motion for summary judgment based on the extensive factual record developed through discovery.

Required Texts
There are no new required texts for this course. However, I assume that you have access to and are comfortable using the following texts from previous courses:
- THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass’n et al. eds., 19th ed. 2010)
- BLACK’S LAW DICTIONARY (pocket or abridged version; also available free on Westlaw)

If you do not have any of the above texts, please let me know. Additional course readings will come from primary source materials, including sample discovery pleadings, sample motions, the Federal Rules of Civil Procedure, and the Local Rules for the Western District of Washington. These additional readings will either be publicly available or available on Canvas (the course website).

Course Grading
Your final work product for this course will be a motion for summary judgment. However, in my role as a partner at DHLT, I will strive to be a good manager of the firm’s associates. Accordingly, I will also ask you for informal “check in” emails along the way, in which you must provide your thoughts on
pleadings, initial research, discovery, and other steps in the litigation process. These “check-in” emails will be evaluated on a credit/no credit basis. You will receive credit if your email displays thoughtfulness and effort. If you don’t receive credit, you will have an opportunity to try again. You must receive credit for all check-ins to receive credit for ALW. Your grade for the course will be determined by your final summary judgment brief (80%) together with your class participation, which includes preparation for class, engagement during the seminar, and your “check-in” emails (20%).

Attendance and Participation
ALW is a hands-on course that depends on your active participation. Attendance is critical. If you need to miss class or need an extension on an assignment, notify me in advance and make arrangements to complete any missed work. Remember that this course will be run like a law firm. Extensions and modifications are generally fine, as long as you request them in a timely and professional manner.

Much of our class time will involve workshops and group discussions. You will have class time to draft, research, outline, and discuss as we move through the various stages of litigation. Accordingly, you should bring to class your computer, notes, reference books, and anything else that you’ll need to work on the case during class.

Disability Accommodations
The UW is committed to ensuring that students with physical, mental, or sensory disabilities have equal access to its facilities and programs. 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 the letter to me so we can discuss the accommodations you might need in this class.

Course Schedule of Topics, Readings, and Assignments

Week 1: Introduction: Pleadings, and Pre-Discovery Motion Practice

| Monday 06.24.13 | Reading: None
|                | Activity: Introduction to course; background on Keithly v. Intelius, Inc.; review initial Complaint; discuss potential areas for additional factual and legal research; conduct initial legal research. |
| Wednesday 06.26.13 | Reading: Review initial Complaint, Amended Complaint, and Answer (available on Canvas)
|                | Activity: Discuss initial evaluation of the Complaint; conduct general background research on the Consumer Protection Act; evaluate Answer. |
| Thursday 06.27.13 | Reading: Motion for Judgment on the Pleadings, Plaintiffs’ Response, and Defendants’ Reply (available on Canvas)
|                | Activity: Discuss Motion for Judgment on the Pleadings; discuss bases for motion; evaluate persuasive writing and research; create outline/notes for additional research. |

Week 2: Discovery: Creating a Factual Record

| Monday 07.01.13 | Reading: Court’s Order on Motion for Judgment on the Pleadings (available on Canvas or Westlaw)
|                | Activity: Discuss effect of Court’s Order; update legal and factual research agenda based on Court’s decision and reasoning. |
| Wednesday 07.03.13 | Reading: Federal Rules of Civil Procedure Rules 26, 30, 31, 33, 34, and 37 (publicly available); Public Civil Rules 26 and 37 (publicly available online); sample discovery requests (available on Canvas)
<p>|                | Activity: Based on our understanding of Plaintiffs’ CPA claim, consider facts that might help us defeat the claim; create discovery plan; draft discovery requests. |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>07.04.13</td>
<td><strong>No Class</strong></td>
</tr>
<tr>
<td><strong>Week 3:</strong></td>
<td><strong>Motion for Summary Judgment: Analyzing the Facts</strong></td>
</tr>
</tbody>
</table>
| **Monday 07.08.13** | **Reading:** Review factual record (available on Canvas)  
**Activity:** Continue review of factual record; discuss “good” facts, “bad” facts, and missing facts; begin to think about additional research. |
| **Wednesday 07.10.13** | **Reading:** Continue review of the record  
**Activity:** Conduct additional research based on review of factual record; begin very rough initial outline of motion for summary judgment. |
| **Thursday 07.11.13** | **Reading:** Continue review of the record  
**Activity:** **Team meeting:** present thoughts on possible bases for motion for summary judgment; discuss facts and law that would support the motion. |
| **Week 4:**| **Motion for Summary Judgment: Applying the Law** |
| **Monday 07.15.13** | **Reading:** Sample motions for summary judgment (available on Canvas)  
**Activity:** Discuss sample motions; consider which tactics we might employ effectively and which tactics might be less effective; in-class time for drafting and research. |
| **Wednesday 07.17.13** | **Reading:** None  
**Activity:** Exchange rough drafts of fact sections; in-class time for drafting and research. |
| **Thursday 07.18.13** | **Reading:** None  
**Activity:** **Team meeting:** present thoughts on strength of various arguments; exchange outlines of argument sections; in-class time for drafting and research. |
| **Week 5:**| **First Draft: Peer Review and Revision** |
| **Monday 07.22.13** | **Reading:** None  
**Activity:** In-class drafting, research, and discussion. |
| **Wednesday 07.24.13** | **Reading:** Skim and/or review THE REDBOOK Part 1 (Mechanics) and Part 2 (Grammar and Usage) as needed to fill in gaps in your knowledge; review THE REDBOOK § 11 (Stuffy Words and Legalese), § 12 (Troublesome Words), § 13 (Editing and Proofreading), and § 16 (Sample Research Memos), and inside back cover (Standard Proofreader’s Marks) as needed.  
**Activity:** **BRING A ROUGH DRAFT:** in-class peer review of other associates’ drafts. |
| **Thursday 07.25.13** | **No Class** |
| **Week 6:**| **Filing Deadline: Final Revisions and Filing the Brief** |
| **Monday 07.29.13** | **Reading:** None  
**Activity:** In-class drafting, research, and discussion. |
| **Wednesday 07.31.13** | **Reading:** None  
**Activity:** Optional in-class work time; peer review; “partner” review; personal drafting/editing time.  
**ASSIGNMENT DUE: TURN IN FINAL SUMMARY JUDGMENT BRIEF BEFORE MIDNIGHT FILING DEADLINE** |
| **Thursday 08.01.13** | **Reading:** None  
**Activity:** End-of-class activity. |