

Legal Analysis, Research and Writing A506 G

Autumn 2018 - Spring 2019

Class Times and Location

TTh 9:00 - 10:20 AM, William H. Gates Hall, Room 118

Contact Information

Instructor

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Office Hours: Monday 9:30 to 10:30; Wednesday 9:15 to 10:30, 2:45 to 3:30; or by email appointment

LWF

Sayer Rippey

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Office Hours: Friday 1:50-3:10

[Link to office hours sign-up sheet](#)

Course Syllabus and Policies

General Course Structure and Goals

Legal Analysis, Research, and Writing (LARW) is a seven-credit course that you will take throughout your 1L year. The Autumn and Winter Quarters constitute a single five-credit course, with three credits during Autumn and two credits during Winter. You will receive one grade for the Autumn-Winter portion of the course at the end of Winter Quarter. Spring Quarter is a separate, two-credit course.

In Autumn Quarter, you will receive a rigorous introduction to legal reasoning, analysis, and writing. You will also receive a brief introduction to legal research. Several writing assignments will hone your analytical skills and allow you to practice drafting clear and concise answers to legal questions. You will participate in lectures, workshops, and hands-on activities that will occur 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. The goals for the first-year LARW course are:

1. To understand the United States' legal system and lawyers' principal roles in that system.
2. To read, understand, and use cases to construct legal arguments.
3. To read, understand, and use statutes and other enacted rules to solve legal problems or construct legal arguments.
4. To predict the probable judicial resolution of simulated legal disputes.
5. To write a memorandum predicting the probable judicial resolution of a simulated legal dispute in a form that conforms to basic professional conventions regarding analytic support, organization, and style.
6. To conduct basic legal research.
7. To recognize excellent writing in and about law, and to learn techniques for improving one's own writing.
8. To learn techniques for time-management, self-reflection, and collaboration to support ongoing acquisition of information and skills necessary for successful academic study and professional practice.
9. To learn techniques of persuasive written advocacy.

We cannot, of course, meet all of those goals during the Autumn Quarter. This quarter we will focus on Goals 1, 2, 4, 5, 7, and 8. We will add the remaining goals (and continue to work on these six) throughout the rest of the year. More details about the goals and objectives are available here: <https://www.law.uw.edu/academics/experiential-learning/writing/goals>

Required Texts and Materials (and abbreviations used in syllabus)

Textbooks:

- Helene S. Shapo et al., *Writing and Analysis in the Law* (6th ed. 2013). This is referred to as “Shapo” in the syllabus. Please note that while a seventh edition was recently released, we will use the sixth edition.
- Julie A. Heintz-Cho, Tom Cobb, and Mary Hotchkiss, *Washington Legal Research* (2d ed. 2009). This is referred to as “WLR” in the syllabus. We will use it primarily in the Winter and Spring Quarters.
- *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass’n et al. eds., 20th ed. 2015). It is available in print or online. Our Gallagher Law Library has prepared a [blog post](#) explaining the pros and cons. I recommend the print version.

Online reading: these should be read before the class date on which they are listed.

Handouts: Please check the course website each week for additional materials that will occasionally supplement your readings.

Canvas announcements: I will sometimes make course announcements using Canvas. Please be sure your Canvas settings allow you to receive those messages.

Optional, Recommended Texts

- Bryan A. Garner, *The Redbook: A Manual on Legal Style* (4th ed. 2018) — *The Redbook* is an excellent guide to grammar, usage, and style in legal writing. In previous years I required this text. This year, however, we will be using a computer-based grammar program during

the Winter Quarter; I have therefore made *The Redbook* optional. Despite being optional, *The Redbook* is still an excellent resource. Copies are available in the Legal Writing Center and the library. I encourage you to use them.

- Terrill Pollman, Judith M. Stinson, & Elizabeth Pollman, *Legal Writing: Examples & Explanations* (2d ed. 2014) — Some professors have used *Examples & Explanations* as their primary text for LARW. Though the text is not ideally designed for our class, it does provide examples of legal writing (both effective and ineffective) for you to read and judge on your own. If you are having difficulty understanding why a certain structure or style is not effective, the examples and explanations in (the aptly named) *Examples & Explanations* are a good place to look. Copies are available in the Legal Writing Center.
- *Black's Law Dictionary* — This reference is 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 might be a wise investment because you'll use this resource for the rest of your career.
- Joseph M. Williams & Joseph Bizup, *Style: Lessons in Clarity and Grace* (11th ed. 2014) — This wonderful book on writing is the primary textbook for the Intensive Legal Writing Workshop.
- Bryan A. Garner, *Legal Writing in Plain English: A Text with Exercises* (2001) — This is more focused on style than is the *Redbook*, and more focused on the law than is *Style*. Garner's advice is quite prescriptive, and his style is not for everyone. But this is an excellent additional resource.

Legal Writing Fellows and the Legal Writing Center

Each section of LARW has a dedicated Legal Writing Fellow (LWF). LWFs are 2L or 3L students who can help you with any part of the course. They hold office hours in the Legal Writing Center or elsewhere around campus. You'll be receiving more information from the LWFs on how to best schedule an appointment.

I strongly encourage you to meet with the LWFs. Even though each section has an "assigned" LWF, you are free to meet with any of the LWFs in the Legal Writing Center. Because each has taken LARW recently (and done well), the LWFs have a perspective on the course—and on the process of learning legal writing—that might be more helpful than your peers' or even, at times, your professor's.

At times, I may require you to meet with a LWF to review a particular assignment. To take full advantage of these meetings, please make sure you've reviewed my comments on the assignment before you get together.

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 satisfactorily complete **all required** assignments and activities, **whether graded or not**, to pass this course.

I will sometimes assess ungraded assignments using a "check," "check plus," or "check minus" scale. If you receive a "check" or "check plus," you have satisfactorily completed the assignment. If you receive a "check minus," you have not yet reached a satisfactory level on the assignment. To receive credit for the assignment—and the course—you must then take the

additional steps indicated for that assignment. Usually the additional step will be a meeting with a LWF to discuss the assignment and make improvements.

Autumn Quarter

Graded Assignment—30%

Winter Quarter

Graded Assignments — 60%

Overall Class Engagement and Professionalism —10%

Winter Quarter is weighted more heavily than Autumn (even though it carries two credits instead of three) because I want to base your grade more on the proficiency you ultimately achieve, and less on your early, experimental efforts.

You will turn in most ungraded assignments by uploading them to the course website. Graded assignments will also be turned in to the Office of Academic Services in print form. This course has no final exam.

Late assignments will be penalized unless excused by illness or prior arrangement. Please email me well before the due date if you need an extension on an ungraded assignment, and arrange extensions through the Office of Academic Services for final papers that are graded anonymously.

A note on class engagement: During both quarters, a percent of your grade will be based on class engagement. Please keep in mind that class engagement can take many forms, including participating in small group activities, participating in class discussions, coming to class prepared, helping your classmates, and putting forth a solid, good-faith effort on ungraded exercises. You do not need to speak to the entire class every week to earn engagement points. If you'd like to further discuss ways to engage and participate, please feel free to talk with me.

A note on professionalism: As professionals, lawyers are held to high standards—by the ethics rules, by judges, and by their clients. That same professionalism is required in law school. Professionalism includes turning in assignments on time, coming to class on time, asking ahead of time for extensions or other scheduling matters, showing up for scheduled office hours, following assignment instructions, demonstrating that you've tried to resolve a question on your own before asking a question, and respecting your classmates and the LWFs. These closely parallel requirements you will face as an attorney.

One common example of a lack of professionalism is waiting until the last minute to submit an assignment, only to then run into some kind of computer problem. Computer problems happen. When they happen at the last minute, they generally do not constitute an excuse for a late assignment, just as in practice, they generally will not be excused by a court. Failure to act professionally in any of these or other ways can result in a reduction of this portion of your grade.

Overview of Autumn Quarter Assignments

LARW includes six assignments during the Autumn Quarter. Only Assignment 6 will be graded, but you must complete all the Assignments to receive credit for the course. The Assignments progress so your skills build over time with practice:

1. Learn a skill
2. Practice that skill (in an exercise or ungraded Assignment)
3. Receive feedback on your work
4. Learn from that feedback
5. Incorporate a new skill and then repeat steps 2-5.

You will receive feedback on each assignment, though that feedback will take different forms. Sometimes I will provide a “sample” or “model” answer as feedback. In those instances, it is your responsibility to review the model answer and compare it to your own work product. Other times, I will provide general feedback to the entire class on an assignment. It is your responsibility to review your work product in light of that general feedback. Other times, you will receive guided feedback from your peers. You then must evaluate that feedback and use it to improve your work product. At any time, I encourage you to meet with me or the LWFs to discuss your work product.

Other times, on larger assignments, I will provide in-depth, written feedback. Do not simply read that feedback or mechanically make my recommended changes. Instead, try to understand *why* a particular change was offered. Treat every suggested change as a *global* change. In other words, if someone suggests that a particular phrasing is confusing, don’t change just that one instance; search through the rest of the document to see if you can find similar writing that could be improved. Only by understanding and internalizing the feedback will you be able to improve your work product the next time around.

With that overall progression in mind, here are the goals for each assignment:

Assignment 1: Apply a single case’s holding to a simple fact pattern using the CRAC structure; receive peer feedback; improve the writing and structure in response.

Assignment 2: Synthesize holdings from multiple cases into a single, coherent rule governing a more complicated legal question.

Assignment 3: Apply the synthesized rule to a more complicated set of facts; practice expressing that application of law to fact through the standard “Issue and Brief Answer” and “Thesis Section” parts of the formal legal memo.

Assignment 4: Use the CRAC structure to apply a more complicated synthesized rule to a more complicated set of facts.

Assignment 5: Use the formal legal memo structure to present facts and multiple legal analyses; receive peer feedback.

Assignment 6: Use previously learned skills—understanding holdings, synthesizing cases, using the IRAC structure, and using the formal memo structure—to apply more complicated law to a more complex factual scenario.

Legal Research Instruction

We will briefly discuss legal research during the Autumn Quarter. You'll receive much more thorough instruction on legal research during the Winter Quarter. But this "delay" in instruction is *not* because legal research is unimportant. Far from it. The ability to research effectively is perhaps the most important skill for a new lawyer.

I therefore strongly recommend that you take advantage of the free legal research presentations put on by Lexis, Westlaw, and Bloomberg here at the law school. Getting that sort of basic, introductory experience during the Autumn Quarter will help you hit the ground running when Winter Quarter comes around. Think of it like learning to drive a car: the training sessions from Lexis, Westlaw, and Bloomberg will show you the pedals, steering wheel, gear shift, wipers, etc. Then in our Winter Quarter class, we can just get in and start driving.

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**. Legal writing norms surrounding collaboration and plagiarism may not be self-evident, so I encourage you to ask.

- For each **graded assignment**, I will provide specific rules regarding permissible levels of collaboration. All written work must be your own. If you quote or paraphrase from any source, you **must** provide proper attribution. Though I generally allow (and encourage) you to discuss your general analysis, research, and ideas with your classmates, you **cannot** copy your classmates' words. Therefore, for graded assignments, do not share or exchange written drafts with your classmates. Violations of these rules constitute Honor Code violations.
- For **ungraded assignments**, I strongly encourage you to discuss your **research** and **analysis** with any Legal Writing Fellow, other students in this section, students currently in my other LARW section, students in Prof. Cobb's, Prof. Sancken's, Prof. McGinnis's, or Prof. Ziff's LARW sections (the five of us collaborate a great deal and will have similar ungraded assignments), or your other professors. However, please share ungraded **written work** only with the Legal Writing Fellows or other students in our section. Though I encourage you to consult with your classmates on ungraded assignments, **all written work must be your own**, even when not graded. The following people should not review your written drafts at any time: family members, mentors, friends at other schools, other professors, students taking LARW from other professors, or anyone 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.

Plagiarism and Attribution

The conventions of legal writing on plagiarism and attribution may be different than those you are used to in other fields. You should expect to provide citations to a law's source whenever you make a statement about the law. Because legal writing involves a lot of statements about the law, you will be providing a lot of citations. That may seem strange at first, but you'll get used to it. You should provide a citation to the source of law even if you are not quoting that source.

Whenever you use the same words as a source, you *must* use quotation marks around the words and then attribute the words to the quoted source.

You should never copy words from another student's work. Remember this foundational rule: *All written words must be your own*. You may, however, use ideas you learn from other people. In the law, legal arguments, methods of structuring a memo, sources of law found during research, or other ideas are generally open to anyone!

If you have any questions about plagiarism and attribution, please play it safe and ask me.

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 18 times during the Autumn Quarter, not counting our scheduled conferences during Week 8, so you may miss no more than three classes. (You cannot miss your scheduled conference.)

I encourage you to attend all the classes; 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.

If you need to miss a class because of a reasonable conflict, please contact me in advance so we can make arrangements for you to complete the work you'll miss. For in-class peer review activities, you cannot skip class and do your own peer review outside of class. Being ready with a draft before class is a prerequisite for obtaining a peer review. (And remember the general rules regarding your peers' written work.)

Access and Accommodations

Your ability to fully participate in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you are welcome to contact DRS at 011 Mary Gates Hall or 206-543-8924 or uwdrs@uw.edu or disability.uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor(s) and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

Using Computers and Other Electronic Devices in Class

Please be respectful. You will need to bring a computer for the classes covering research topics. Please let me know if this is an issue for you.

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 asking them 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](#)
- [Federal Law research guide](#)
- [Bluebook 101](#)
- [Legal and General Writing Resources](#)
- [Microsoft Word Tips to Make Your Life Easier](#)

Tips for Class Preparation

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.

Detailed Class-by-Class Syllabus

Please check this syllabus regularly, as it may change from time to time.

<i>September 24</i>	Week 1 – Introduction to Rules and Case Law
Class 1-1	<p>Before Class:</p> <ul style="list-style-type: none"> · Fill out the online questionnaire. · Read (1) the course syllabus and policies, (2) Shapo Chapter 1 (Introduction to the Legal System) and (3) the “No Vehicles in the Park” materials · Prepare to discuss “No Vehicles” examples.
Class 1-2	<p>Before Class:</p> <ul style="list-style-type: none"> · Read, in this order, (1) Kerr on “How to Read a Legal Opinion,” (2) Shapo Chapter 2 sections I to III (Reading Cases), and then (3) Copier Specialists. · Complete the Copier Specialists Workshop
<i>October 1</i>	Week 2 – Writing Structure and Synthesizing Multiple Cases
Class 2-1	<p>Before Class:</p> <ul style="list-style-type: none"> · Read Shapo Chapters 4 (Organizing by Claims) and 5 Sections I to II (Writing an Analysis of a Single Issue Using a Single Case) · Read Small Scale Organization article · Note that while it uses somewhat different terminology than Shapo and goes into more detail, the basic structure is the same as Shapo describes. · Review sample “No Vehicles” CRAC emails. · Complete Assignment 1. Bring a copy of your CRAC to class. <p>Here is the sample CRAC with the rules combined.</p>

Class 2-2	<p>Before class:</p> <ul style="list-style-type: none"> · Submit your revised Assignment 1. · Read Shapo Chapter 2 Section IV and Chapter 5 Section III (both on Synthesizing Cases), and Chapter 11 sections I-II, IV (Arguing from Authority). · Read the four additional non-compete cases. · Complete Reading Questions for Additional Cases
<i>October 8</i>	Week 3 – Introduction to the first formal memo
Class 3-1	<p>Before class:</p> <ul style="list-style-type: none"> · Re-read the five cases. · Review Shapo Chapter 2 Section IV and Chapter 5 Section III (Synthesizing). · Complete Assignment 2, your synthesis of the different aspects of the rule.
Class 3-2	<p>Before class:</p> <ul style="list-style-type: none"> · Read Complaint and Agreement · Read Introduction to the Problem · Read Shapo Chapters 6 (Thesis Paragraphs) and 7 (Office Memoranda)
<i>October 15</i>	Week 4 – The Predictive Legal Memo
Class 4-1	<p>Before class:</p> <ul style="list-style-type: none"> · Read the “complete” problem record. · Take notes on how facts might fit into the legal structure from the case law. · Read Shapo Chapter 9 (background on Effective Paragraphs)

Class 4-2	<p>Before class:</p> <ul style="list-style-type: none"> · Read Sample Parts of a Formal Memo · Continue to review facts and law. · Complete Assignment 3, your draft Issue, Brief Answer, and Thesis Section
<i>October 22</i>	Week 5 – Continued Writing; Introduction to Research
Class 5-1	<p>Before class:</p> <ul style="list-style-type: none"> · Complete Assignment 4, your email CRAC on the “necessity” part of the rule.
Class 5-2	<p>During class:</p> <ul style="list-style-type: none"> · Presentation on research by Reference Librarians. · Before this day, you must attend a training session from one of the various vendors. <p>After class:</p> <ul style="list-style-type: none"> · Continue your research into the “consideration” issue. E-mail me your best case (i.e., most recent and most relevant Washington Supreme Court case) on the question of whether the additional consideration is sufficient to make the contract enforceable. Also email me the names and citations of two recent Court of Appeals decisions that might be useful. Email me before 5 p.m. November 1.
<i>October 29</i>	Week 6 – Revision of the Memo; Continued Writing
Class 6-1	<p>Before class:</p> <ul style="list-style-type: none"> · Submit Assignment 5, your “first draft” Memo. You must bring a completed draft to participate in today’s peer review. · Read Shapo Chapter 10 (background on Sentence Structure) <p>After class:</p> <ul style="list-style-type: none"> · Remember to email me the results of your research into the “consideration” issue.

Class 6-2	<p>Before class:</p> <ul style="list-style-type: none"> · Read briefs from the problem · Continue to work on revising your memo.
<i>November 5</i>	Week 7 – Review the Memo; Introduce Final Assignment
Class 7-1	<p>Before class:</p> <ul style="list-style-type: none"> · Submit your final version of Assignment 5. · Start to read the Assignment 6 materials.
Class 7-2	<p>Before class:</p> <ul style="list-style-type: none"> · Continue reading the Assignment 6 materials
<i>November 12</i>	Week 8 – Conferences
Classes 8-1, 8-2	<p>No class this week: Set up a time to meet with me to discuss your thesis section and your annotated outline.</p> <p>Note: You should spend at least ~4 hours preparing for your meeting. You will not get credit for this meeting if you are not fully prepared. Meeting is mandatory. If you cannot make a scheduled time, you must arrange for another time.</p>
<i>November 19</i>	Week 9 – Introductions to Legal Citation

Class 9-1	<p>Before class:</p> <ul style="list-style-type: none"> · Read the Blue Pages in <i>The Bluebook</i> · Read the TOC for Shapo Appendix B1, noting that it deals with the 19th Edition of <i>The Bluebook</i> · Watch the Canvas videos on proper citation. · Complete the Canvas citation quiz.
Class 9-2	<i>Thanksgiving Break: No Class</i>
November 26	Week 10 – Sentence-Level Editing and Revisions
Class 10-1	Sentence-level editing day. Read the TOC for Shapo Appendix A and review any sections that you judge helpful.
Class 10-2	Guided peer-review day.
December 3	Week 11 – Final Assignment Due; Reflections
	<i>Memo Due on Monday</i>
Class 11-1	Final panel class (stay tuned for time and place).