

Legal Analysis, Research & Writing
LAW A506 Sections E & F – Spring 2019

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William H. Gates Hall, Room 317
Office hours: Tuesday 9:30-10:20
Thursday 3:00-4:30

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CLASS MEETING TIMES:

Section E: Room 116
Tuesdays 10:30-12:20

Section F: Room 116
Thursdays 10:30-12:20

Course Schedule (Subject to Revision)

Week 1, April 2/4: Introduction to Advocacy and the Problem

READ:

- *Synthesis* Ch. 11A (Intro), Ch. 11B (Ethics), Ch. 11F (Proper Tone); Ch. 12A (Intro), Ch. 12B (Civil Litigation), & Ch. 12C (Motion Practice).
- Read Introduction to Spring Quarter Advocacy Assignment.
- Review Course Description and Policies (at end of this syllabus).

Week 2, April 9/11: The Client Interview

BEFORE CLASS: Check-point: Prepare and turn in a list of 10 questions you want to ask your client as you prepare to represent her. Make sure you've completed the research workshop from Week 1; be prepared to ask your questions. (Questions and client interview participation are worth up to 5 engagement points).

READ: Handout on client interviewing (Canvas).

Week 3, April 16/18: Framing the Issues and Creating a Theme; Working with Facts

BEFORE CLASS: Check-point: Continue your research and turn in research summary, including relevant cases found both before and after the interview (worth up to 5 engagement points). Bring to class your final Winter Quarter memo for an in-class exercise.

READ:

- *Synthesis* Ch. 11A (Intro), Ch. 11C (Theory of the Case), Ch. 12C (Motion Practice), Ch. 12D (Function of Motion Memo), & Ch. 12E (Format of Motion Memo).
- Review sample briefs (Canvas).

Week 4, April 23/25: Structuring and Drafting Persuasive Arguments

BEFORE CLASS: Check-point: Turn in draft Introduction to your brief (worth up to 5 engagement points).

READ:

- *Synthesis* Ch. 11D (Strengths and Weaknesses), Ch. 11E (Slanting Prose), & Ch. 11G (Change in the Law). Review *Synthesis* Ch. 11B (Ethics) & Ch. 11F (Proper Tone).
- Review additional sample briefs (Canvas).

Week 5, April 30/May 2: Oral Argument Preparation; Creating an Analytical Outline

READ: Read *Synthesis* Ch. 14 (Oral Argument).

Week 6, May 7/9: Oral Argument Performance

BEFORE CLASS: Check-point: Turn in annotated outline of argument section of your brief. Use headings and present full argument structure (worth up to 5 engagement points)

Week 7, 14/16: Negotiation as Advocacy; Contract Drafting

READ:

- *Synthesis* App'x IV (Contract Drafting); review sample contracts.
- Review sample declarations (Canvas).

After class: Check-point due: After class, submit your final contract to Canvas (no points assigned to this exercise).

Week 8, May 21/23: Revision and Sentence-Level Writing

BEFORE CLASS: Check-point: Turn in a good faith draft of your brief (worth up to 5 engagement points).

READ: Review *Synthesis* Appendix (sentence-level writing and editing). As needed, review sections of Core Grammar for Lawyers.

Week 9, May 28/30: Peer Review

BEFORE CLASS: Get your brief ready for peer review, and bring two paper copies to class.

Week 10: End of Quarter

Monday, June 3

Final Assignment Due (70pts): Submit to Canvas by 10:00 am. Turn in an identical paper copy—with your exam number (no name or other identifying information)—to Academic Services by 4:00 p.m.

Tuesday, June 4 (for both sections): Final Class TBA

COURSE INFORMATION and POLICIES

Course Description

Legal Analysis, Research, and Writing (LARW) is a seven-credit course covering the full 1L year. Autumn and Winter were combined into one five-credit course for which you received a single grade. Spring is a separate two-credit course.

During the Spring Quarter, the class will focus on advocacy. Thus far, your legal research, analysis, and writing have sought to predict a likely legal outcome. This quarter, your legal research, analysis, and writing will seek to advocate for a particular outcome—the outcome favored by your client! To achieve that goal, you will practice a variety of skills: preparing for and conducting a client interview, researching a practical legal question, preparing for a hearing, negotiating with opposing counsel, and drafting a motion brief that could be filed in court.

Learning goals and objectives

Our learning goals and objectives will continue from Winter and Autumn:

<https://www.law.uw.edu/academics/experiential-learning/writing/goals>. But this quarter, we will add the “advocacy”-focused objectives under Goal #9: “To learn techniques of persuasive written advocacy.” Students will:

- Learn rhetorical techniques for framing legal issues, presenting a compelling account of relevant facts, and articulating legal arguments to persuade judges or other legal actors.
- Learn the basic structure of and formatting requirements for persuasive legal pleadings (motions, briefs, and other forms) in trial or appellate courts.
- Develop written and oral communication skills that maximize the impact of the lawyer’s own credibility.
- Understand a lawyer’s professional responsibilities and ethical duties in the context of oral and written advocacy.

Required Texts are the same as those for Autumn and Winter quarters

In addition to the required texts, please also check the course website each week for additional materials that will occasionally supplement your readings. If you would like additional reading targeted at written advocacy, there are many good sources in our library. You might check out Bryan A. Garner’s books: *The Redbook: A Manual on Legal Style* (3d ed. 2013) (includes detailed sections on motions and briefs), and *The Winning Brief* (3d ed. 2014) (aimed at an audience of practicing attorneys).

Grading

You will receive a separate LARW grade for your work during Spring quarter, as allocated here:

70% Graded Brief

30% Engagement, participation, short “checkpoint” assignments

Late assignments—including checkpoints for which you receive points—will be penalized unless excused by illness, emergency, or *prior* arrangement. (Note: Lack of planning or preparation is not an emergency.) Please email me well before the due date if you need an extension on an ungraded assignment or a checkpoint. For final papers that are graded anonymously, you may arrange extensions through the Office of Academic Services. You must complete all required assignments and activities, whether graded or not, to pass this course. This course is subject to UW Law’s mandatory grading curve.

Attendance

UW Law's attendance policy requires you to attend at least 80 percent of our class sessions or risk being dropped from this course after the fifth week of the quarter. This course will meet 10 times this quarter, so you are permitted only two unexcused absences (these will affect your participation grade if they are not excused.)

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 arrange for you to complete the work you'll miss. There may be weeks in which it would work for you to attend my other section, so be sure to ask. For in-class peer review activities, you cannot skip class and do your own peer review outside of class. (If you have an excused absence, please contact me to set up a peer review.) Being ready with a draft before class is a prerequisite for obtaining a sanctioned peer review. (And remember the general rules regarding your peers' written work.)

Finally, a word on tardiness: I know it was difficult for everyone to get to class on time during Winter Quarter, but I expect that to change this quarter. Late arrivals disrupt the class in many ways. If you have been chronically late, it's time to develop some new, better habits!

Honor Code

Please read the UW Honor Code, <https://www.law.washington.edu/students/academics/honorcode.aspx>. Pay 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 your **final graded assignment and in-class activities**, I will provide specific guidance regarding permissible levels of collaboration.
- In general, though, you may discuss your **research** and **analysis** with any Legal Writing Fellow, other 1L students in any section (faculty members collaborate a great deal and will have similar ungraded assignments), and any reference librarian.
- **All written work must be your own.** If you quote or paraphrase from any source, you **must** provide proper attribution. Though I encourage you to discuss your general analysis, research, and ideas with your classmates, you **may not** copy your classmates' words. Therefore, do not share written drafts with your classmates except as directed in class.
- Beyond those in-class activities, you may share written drafts only with your professor and Legal Writing Fellows. The following people should never review your written drafts: family members, mentors, friends at other schools, other professors, and students taking LARW from other professors—essentially, 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 does Sec. 2-204. Violations of these rules constitute Honor Code violations.

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 do not send messages during class 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 relevant to our learning (e.g., practicing online legal research techniques, accessing the course website, taking notes, collaborating on group projects, etc.). Do not use your devices in a manner that inhibits your engagement in the class, or distracts your classmates. 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. If you find yourself distracted by another student's online activities during class, please feel free to let me know so I can address the behavior.

Questions outside of class?

Part of LARW—and part of law school generally—involves learning how to figure things out. I model much of this course on the professional dynamic in a small law office. As the “supervising attorney” in this scenario, I’ll do my best to provide clear instructions and the necessary information to you, the “junior attorney,” but you’ll undoubtedly have questions along the way. That’s fine! However, before asking a question, please take a moment to consider whether you can figure out the answer yourself. Perhaps the answer is in the syllabus. Perhaps the answer is in an announcement you received last week. Perhaps I addressed the issue in a previous class that you missed. Perhaps a bit of Internet research could provide some information.

I am always happy to respond to questions. However, I am much more likely to answer your question if it appears you’ve already tried to find the answer yourself. Otherwise, I might simply respond to your question with a question: Did you check the syllabus? Did you review last class’s slides? Did you refer to the assigned handout? Did you read last week’s announcement? I respond this way not because I dislike questions, but because I want to prepare you for your work as a legal professional. Asking questions from a position of knowledge is part of professionalism. Lawyers and clients want to hire lawyers who can figure things out on their own, and there’s no better place to practice that skill than here in law school.

Appellate Advocacy Competition and Awards

During Spring Quarter, the Moot Court Honor Board (“MCHB”) will run the annual **Hillis Clark Martin Peterson 1L Appellate Advocacy Competition**. The competition is an optional activity—separate from the 1L LARW course—but both will involve advocacy. Some of the skills you’ll learn (and have already learned) in LARW will no doubt help you in the competition. The MCHB 1L Appellate Advocacy Competition is a partner competition, which means you’ll be researching, writing, and arguing your position with a partner, as a team. Representatives of MCHB will provide you with more information about the competition. At the conclusion of the competition, the MCHB presents the following awards:

- Champion Team of each bracket
- Finalist Team of each bracket
- Semi-Finalist Teams of each bracket
- First, Second, and Third Best Orators of each bracket
- First, Second, and Third Best Briefs of the entire competition

(Note: If enough teams sign up, MCHB will create multiple brackets.)

The Malcolm L. Edwards Prize for LARW Assignments: This year, the Sixth Annual Malcolm L. Edwards Prize will be given to the best final graded assignment submitted in LARW at the end of the Spring Quarter. The prize includes a \$2000 cash award. To be considered for the Edwards Prize, students must participate in the MCHB 1L Appellate Advocacy Competition and complete the LARW

course requirements. The winning brief will be chosen anonymously from among the motions submitted in LARW at the end of Spring Quarter. LARW faculty and the partners of Smith Goodfriend (the sponsoring law firm for the prize) will participate in the selection process. These readers will not know the identity of the brief authors until after the winner is selected. More information about the prize, and about Malcolm Edwards, is available here:

<https://www.law.uw.edu/academics/experiential-learning/writing/edwards-prize>

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.