

LAW 106: Legal Research and Writing II

Spring 2022 / Professor Gamble

Email: kgamble@willamette.edu
Ph: 503-370-6988
Office: 421
Office Hours: T/Th 3:00-4:00

Welcome back to Legal Research and Writing! This course, the second in the sequence, will help you gain additional practice in legal analysis, research, writing, and communication. It also introduces you to many of the fundamental responsibilities of lawyers in practice and to some of the work products you will create and use as a practicing lawyer.

Course Competencies

- Read and understand legal authorities
- Analyze a client's legal problem
- Identify legal issues and synthesize legal rules from cases and statutes
- Develop sophisticated legal analysis
- Employ legal research strategies
- Understand and employ persuasive strategies
- Write a persuasive legal argument supported by law and fact
- Use proper, effective writing style and convention
- Use and understand long and short form citations
- Communicate professionally – on deadline and in proper format

Required Texts

This semester we will use six texts: two from last semester, two you'll need to buy, and two that are free or provided by the university.

- *A Practical Guide to Legal Writing and Legal Method* (Wolters Kluwer, 7th ed., 2021) by John C. Dernbach, et al.
- *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n, et al eds., 21st ed. 2020)
- *Point Made* (Oxford University Press, 2nd ed., 2014) by Ross Guberman
- *Core Grammar for Lawyers* (coregrammarforlawyers.com – please purchase a subscription and register for your section)

Section 1: 122-180-5385

Section 2: 122-180-4393

- *The Bluebook Uncovered (21st Edition of the Bluebook)* by Dionne Anthon (available on WISE in Citation folder)
- *Interactive Citation Workstation* available on Lexis (included with your Lexis subscription provided by WUCL – please [add me as a Professor](#) to get credit for your work)
- Various materials posted on WISE

Course Grades

Assignment	%	Description	Dates
Bluebook Quiz	15	Assessment of bluebook skills	Week 2
Appellate Brief	45	Full appellate brief conforming to court rules	Assigned week 3; due week 9.
FYAC	5	Participate in oral argument x2	Week 10
Core Grammar Post-Test	5	Summative grammar assessment	Week 8
Professional habits	20	Professional conduct, OAED engagement, online assignment timely completion, class prep materials, and other similar work	Ongoing
Other documents	10	Assorted writing and response assignments	Ongoing, mostly post-spring break

Information about Grading

First year LRW classes must have a mean grade within the range of 2.80-3.00. Graded and ungraded assignments are required parts of this course.

I will use an anonymous grading system for the major writing assignments. You will be assigned a number to use instead of your name on all writing assignments (same number as fall semester). Your name should not appear *anywhere* on these assignments.

Meeting deadlines is important in law practice. Absent good cause, failure to timely turn in a major assignment will result in a grade penalty of ten points per day. Professional Habits assignments presumptively receive no credit if submitted late. Partial credit may be awarded if the assignment is submitted before the record check for that assignment. Electronic difficulties including, but not limited to lost or corrupted files, printing problems, or individual service connection issues are not valid excuses for untimely submission. Extensions must be requested in advance (as much as possible) and will be granted for true emergencies only.

Operational Considerations

Schedule subject to change. This syllabus is subject to change upon notice in class and/or via WISE and email. The syllabus will be updated based on class considerations and scheduling needs.

Course design. This course is organized such that your reading (including notetaking and preparing exercises) will be done primarily out of class. While there will be some in-class lecture, the bulk of our time will be spent working through and discussing legal analysis and writing exercises and problems.

Electronic device use. When electronic device use may be appropriate, you may use them for class related activities for this course. However, their use in class for activities or purposes unrelated to this course may result in a recorded absence and/ or dismissal from class. Repeated incidents may result in a reduction of your final grade.

Attendance

This class will engage in discussion, peer review, and teamwork synchronously at specified times. Regular attendance in class is expected. If you are absent, you are responsible for obtaining any class materials and completing any assignments from the missed class. ***Your first point of contact for missed class material is a classmate, not me.***

Attendance will be taken during each class session and required conferences. Generally, you will be counted absent if you are not present by ten minutes into class. Much of our course work will be collaborative. If you expect to be absent, please email me in advance so that I can work around your absence in planning class activities.

For remote class meetings, attendance requires being visible on video for all or substantially all of the class period. While it is understandable if you need to turn off video momentarily to address a situational or caretaking need, the baseline presumption is that your video will be on for the duration of class time.

Punctuality is part of professional conduct. Habitual tardiness may result in a grade penalty. Under the Student Handbook, you will be administratively withdrawn from the course if you fail to attend at least 75% of our class meetings.

COVID-RELATED ABSENCES: Please don't come to class with COVID symptoms! I will be recording every class session in order to comply with the College of Law's policies regarding COVID-related absences (discussed below). If you need to be absent for COVID-related reasons, please complete, for each day you are absent, [the form linked here](#) and/or on the OSA website for COVID-related absences. Please carefully read the representations that you are making on that form. If you have

completed that form, I can make available to you a copy of the class recording for the day that you missed. If you watch that recording within 48 hours, or as your recovery allows, and then send me a one-paragraph summary of the critical points of the class as you understood them and complete any in class exercises from that day, your absence will be excused for the relevant day (though note that any correction of your absence may not happen on SAGE unless it's necessary this semester - i.e., we'll only go back to adjust the record if you get close to the 25% limit of absences). Please reach out to Dean Dobbins, Dean Mac Alpine, or OSA if you have questions.

Collaboration

Discussions and collaborations are an important part of the law school learning experience. I encourage you to discuss assignments with other students in your section. However, the work you turn in must be your own. You may discuss research techniques and legal issues with each other, but you may not provide answers to or receive answers from each other. You may not read another student's written work on a pending assignment or show your written work on a pending assignment to another student, outside of in-class peer reviews. The line between reasonable discussions and collaborations and plagiarism can be a fine one. The best policy is to err on the side of safety, and to refrain from providing or receiving any information that might be considered unreasonable collaboration. If you are ever in doubt, please ask me for clarification.

The Willamette University College of Law Honor Code and Willamette University Code of Student Conduct apply to this class. Students are responsible for knowing and complying with the provisions of the Honor Code and Code of Student Conduct.

Student Services

Willamette Law is committed to making sure that everyone can participate fully in our courses. Students who have a disability that may require auxiliary services should make an appointment with the AES Director to learn about eligibility and available services as soon as possible, preferably at or before the beginning of the semester. If you have particular concerns about services and access, please contact Dean Mac Alpine or Sue Minder, Director of Accessible Education Services, at sminder@willamette.edu or 503-370-6737.

Health and counseling services are available to all students at the Bishop Wellness Center located on the main campus. Their phone number is (503) 3700-6062.

What follows is a tentative schedule for the course. ***This schedule includes some flex space and is subject to change.*** Changes will be announced in class. When warranted (more than minor changes), an updated course schedule will be posted on WISE and be announced in class or by email.

CORE GRAMMAR COMPLETION SCHEDULE

Coregrammarforlawyers units are due on **Fridays by 11:00 a.m.**

Pre-Test (this will take you longer than you think it will)	Friday, Jan 14
Lesson A	Friday, Jan 21
Lesson B	Friday, Jan 28
Lesson C	Friday, Feb 4
Lesson D	Friday, Feb 11
Lesson E	Friday, Feb 18
Lesson F	Friday, Feb 25
Post-Test	Friday, Mar 4

Week 1 Jan 10	Tues, Jan 11	Intro 2 nd Sem; Jobs; OAED	Identify two potential jobs to apply for; ICW sets 3, 5, & 15; (ICW 1-2 optional); Review Anthon Ch 1-3
	Thurs, Jan 13	Bluebook	ICW sets 6, 7, & 8; Anthon Ch 4 (read only)
Week 2 Jan 17	Tues, Jan 18	Bluebook	Anthon Ch 14& 16; Anthon exercises for Ch 14 & 16 – bring to class
	Thurs, Jan 20	Bluebook Quiz	
Week 3 Jan 24	Tues, Jan 25	Persuasive Rules; intro appellate brief	WK Ch 20
	Thurs, Jan 27	Storytelling; SoF	PM Part Two; preview Ex 20-B; SoF materials on WISE
Week 4 Jan 31	Tues, Feb 1	Persuasive argument	WK 21 & 22; preview Ex 21-A & 21-B
	Thurs, Feb 3	Issue 1 discussion	Bring your notes related to sources, key points, working questions for Issue 1
Week 5 Feb 7	Tues, Feb 8	Brief samples	Higgins materials on WISE
	Thurs, Feb 10	Cont'd	WK Ch 23; Other sample briefs on WISE as directed
Week 6 Feb 14	Tues, Feb 15	Issue 2 discussion	PM Part Three
	Thurs, Feb 17	Writing workshop	
Week 7 Feb 21	Tues, Feb 22	Writing craft	Materials on WISE as directed
	Thurs, Feb 24	Revision strategies	PM Part Four, Part Five

Week 8 Feb 28	Class 1	Peer Review	Bring printed copy of 5-7 pages of brief, including Issue Statement (at least 1) and >4 pages of argument; submit on WISE before class
	Class 2	Oregon Supreme Court	
Week 9 Mar 7	Class 1	Rev OSC; Oral Argument	OSC materials on WISE; WK Ch 24
	Class 2	Final Brief Stuff	
Week 10 Mar 14 FYAC	Class 1	NO CLASS – FYAC COMPETITION	
	Class 2	NO CLASS – FYAC COMPETITION	
Mar 21-25	SPRING BREAK		
Week 11 Mar 28	Class 1	Docs, skills, prof potpourri	See class notes and WISE
	Class 2	Docs, skills, prof potpourri	See class notes and WISE
Week 12 Apr 4 Other Practice Documents	Class 1	Docs, skills, prof potpourri	See class notes and WISE
	Class 2	Docs, skills, prof potpourri	See class notes and WISE
Week 13 Apr 11 Other Practice Documents	Class 1	Flex	
	Class 2	CAPSTONE SCRAMBLE	

---- GOOD LUCK ON FINALS!