

LEGAL RESEARCH AND WRITING – SPRING 2022
SYLLABUS AND COURSE INFORMATION
Professor Miriam Werner

Professor Werner’s Contact Information

Email: mywerner@willamette.edu

Cell: I will provide my cell number as needed.

Office Hours

- In person or on Zoom after class on Mondays and Wednesdays
- Zoom on Fridays 3:30-4:30
- Individual office hours will also be available by appointment.
- The Zoom link is on WISE.

Class Home Page

The class home page will be posted on WISE. You are responsible for *regularly* checking the e-mail account registered with WISE and the Class Home Page for postings and announcements. I will post course materials and assignments on WISE. I will also ask you to submit your assignments to me through WISE.

Required Texts and Readings and Materials

Point Made. (2d. ed. 2014), written by Ross Guberman ("Point Made")

The Bluebook: A Uniform System of Citation (Columbia Law Review Ass’n et al. eds., 20th ed. 2015) (the “Bluebook”).

A Lawyer Writes: A Practical Guide to Legal Analysis (Carolina Academic Press, 3rd ed. 2018), written by Christine Coughlin, Joan Malmud Rocklin, Sandy Patrick (“ALW”)

Handouts, web links, and other material posted on WISE.

Course Description and Objectives

This spring is oriented towards your future law practice and career. We will practice oral and written persuasive advocacy. We will also continue building and developing relationships in the legal community around us. We will practice peer review, informational interviewing, and sharing our written and oral work with peers and the wider legal community. We will achieve this practice through writing and arguing an appellate brief, and completing a variety of smaller assignments.

REQUIRED Assignments

GRADED	%	UNGRADED	DATES
Citation Quiz	15%		<ul style="list-style-type: none"> Take home quiz to be completed at end of Wk 2, between noon on Friday 1/21 and 9:00 pm on Sunday 1/23
		Appellate Brief Draft Materials* <ul style="list-style-type: none"> Drafts of the List of Authorities Cited, Standard of Review, and Question Presented. Outlines of the Argument Sections. 	<ul style="list-style-type: none"> Due Wk 7 at 9:00 pm on Friday, 2/25.
Appellate Brief	45%		<ul style="list-style-type: none"> Due Wk 10 by 9:00 on Sunday 3/21.
	5%	First Year Appellate Competition (FYAC)**	<ul style="list-style-type: none"> Occurs the week of Monday 3/29.
Post-FYAC Assignment(s) TBD	15%		<ul style="list-style-type: none"> Due date TBD, but will be on or before Wk 13 by 9:00 pm on Sunday, 4/10.
Informational Interview	10%		<ul style="list-style-type: none"> Due on or before Wk. 13 by 9 pm on Sunday 4/10.
	5%	Peer Presentation** <ul style="list-style-type: none"> Pre-FYAC: oral argument Post-FYAC: introduction to hypothetical interviewer or client 	<ul style="list-style-type: none"> Due dates will be assigned as the semester progresses.
		Peer Review Exercises*	<ul style="list-style-type: none"> Due dates will be assigned as the semester progresses.
		Pre-class Readings and Assignments*	<ul style="list-style-type: none"> Ongoing
Professionalism	5%	See the assignments designated with one * See also the "Professionalism" section of the syllabus	<ul style="list-style-type: none"> Ongoing

*The ungraded assignments designated with one * may affect your professionalism grade. If you do not make a good faith effort on them, your professionalism grade will be reduced.

**The ungraded assignments designated with two ** may be marked down if you do not make a good faith effort on them. If you participate with a good faith effort, you will receive full credit.

Further Information about REQUIRED Assignments

The graded and ungraded assignments are required parts of this course. If you fail to complete any of the graded or ungraded assignments, you may receive an “F” in this course. If you receive an “F” in Legal Research and Writing, you will be required to repeat the course in order to graduate.

You are expected to implement an appropriate data management plan to protect your files from loss, theft, or corruption. Many free services exist that will back up your files to remote servers and maintain prior versions of your files to prevent data loss. Examples include Dropbox (<http://www.dropbox.com>), GoogleDrive (<https://drive.google.com>), and SkyDrive (<https://skydrive.live.com>).

You are expected to turn your assignments in on time in this class, and you will be subject to a late penalty for not doing so. It is not a valid excuse for untimely submission of an assignment that your files were lost, stolen, or corrupted. Extensions must be requested in advance.

OPTIONAL Assignments

Throughout the semester, you may receive assignments that are designated as optional. Optional assignments are not required and do not affect your grade. You may complete them on your own. I encourage you to do them.

Professionalism

I expect you to demonstrate professionalism in this class. Failure to demonstrate professionalism may, at my discretion, result in dismissal from the class session, being marked absent, and/or a reduction in your final grade. If you know or are concerned that circumstances will prevent you from demonstrating professionalism in class, please let me know in advance so that I will not dismiss you, mark you absent, or reduce your grade.

Professional behavior includes being on time and prepared, participating in class discussions, avoiding surfing the internet, avoiding using Facebook, Twitter, and etc. in class and timely completion of required graded and ungraded assignments. If you do not make a good faith effort on required assignments, including required ungraded assignments, your grade will be reduced. If I ask a question during class and your response shows that you did not prepare for class, or are not paying attention during class, your final grade may be reduced.

The use of laptop computers during on campus classes is a privilege, not a right. Students may be asked to close their laptops and give their full attention during class sessions. Professional behavior includes always having a pen and paper to take notes. The use of a computer or any other communication device in class for activities unrelated to the course causes a significant distraction for other students and severely disrupts the ability of students to participate fully in

class. Improper use of a computer or other device during class (including, but not limited to, composing, sending, or reading emails; instant messaging; searching or browsing the Internet; playing games; and/or viewing movies) may, at my discretion, result in dismissal from the class session, being marked absent, and/or a reduction in your final grade.

Professional behavior during remote classes over Zoom includes turning on your personal video camera and wearing daytime clothing. If you know or are concerned that circumstances will prevent you from demonstrating professionalism over Zoom, please let me know in advance so that I will not dismiss you, mark you absent, or reduce your grade.

Professional behavior includes showing respect for me, guest speakers, and other students during class and in any email or other communications. Respect includes referring to others using their preferred gender pronouns. Respect also includes being diplomatic and refraining from making fun of other persons, experiences or viewpoints. Because respect can be interpreted in various ways, I encourage to contact me if you have any concerns or questions.

Grading

I will use an anonymous-grading system to ensure fairness in grading on all graded assignments except in assessing your professionalism and participation in peer review exercises, FYAC, and peer presentations. You will be assigned an identification number to use instead of your name on graded assignments. Your name should *not* appear anywhere in these assignments.

You are expected to turn your assignments in on time in this class, and you will be subject to a late penalty for not doing so. It is not a valid excuse for untimely submission of an assignment that your files were lost, stolen, or corrupted. Extensions should be requested in advance and in writing, and will be granted for true emergencies only.

Your graded assignments will be graded numerically. Major written assignments will be graded on a scale of 1 to 9. When I return graded assignments, I will provide the class with information regarding the number of points earned by other students on each assignment, as well as information regarding whether you are on track for learning the objectives of the assignment. This information will help you to gauge how you are doing with respect to a final grade, as well as how you are doing with respect to developing your lawyering skills.

LRW classes such as this class must have a mean grade within the range of 2.80-3.00.

Student Services

Health, counseling and insurance services are available to all students through the Bishop Wellness Center, located on the main campus. You may call (503) 370-6062 for an appointment.

Willamette Law is committed to making sure that everyone is able to participate fully in our courses. The University maintains an Accessible Education Services (“AES”) Office for students eligible for and desiring academic accommodation due to a

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disability. You may call (503) 370-6062 for an appointment. Students should make an appointment as soon as possible, preferably at or before the beginning of the semester.

If you have particular needs for access to this course, you may contact Dean Mac Alpine or Sue Minder, Director of Accessible Education Services, at sminder@willamette.edu or 503-370-6737.

Please Note

1. This syllabus is subject to change. Please consult the latest draft available.
2. *Attendance is required in accordance with the law school's attendance policies.* In general, you are required to attend a minimum of 75% of class sessions unless a law school policy allows an exception. I reserve the right to count you as absent if you are not in the classroom, on Zoom with video camera on, or in another specified location, ten minutes after the class has begun. I may also mark you absent for failure to demonstrate professionalism. If you know in advance that circumstances will prevent you from demonstrating professionalism in a class discussion or exercise, or from being on time, please let me know in advance so that I will not penalize you or mark you absent.

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 Professor Werner.

3. 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. I will provide specific collaboration guidelines for each assignment. If you have any questions about the guidelines, please ask me for clarification.
4. The Willamette University College of Law Honor Code applies to this class, as well as the Willamette University Code of Student Conduct. Students are responsible for knowing and complying with the provisions of the Honor Code and Code of Student Conduct.

SCHEDULE

<u>Week 1 - Monday, January 10 – REMOTE</u>		
Class 1	Intro to LRW II and your post-LRW future!	Read: Contrasting fact sections for Petitioners and Respondent, posted on WISE.
Class 2	Bluebook	See BB Uncovered, posted on WISE. Read: Ch. 2 §§ B, E; Ch. 4 §§ A1, A2, B, C, D, E; Ch. 16 §§ A, B. Optional exercises: Ch. 2 § F Part 1 (qu. 1-13), part 4 (qu. 28-32); Ch. 4 § F(qu. 1-3, 6-10)(ignore the parenthetical portion of statutory cites); Ch. 16 § C (all); Ch. 17 (all)
<u>Week 2 – Monday, January 17 – REMOTE</u>		
Class 1	No class on Monday 1/17. The make-up for this class is to complete the take-home Bluebook quiz at the end of Week 2.	
Class 2	Bluebook boxing	Reread: BB Uncovered Wk 1 Class 2. Optional exercises: See Wk 1 Class 2.
		Take home Bluebook quiz to be completed between noon on Friday 1/20 and 9 pm on Sunday 1/23.
<u>Week 3 – Monday, January 24</u>		
Class 1	Framing facts	Read: <ul style="list-style-type: none"> • Point Made, Part TWO (pp. 47-89). • ALW Ch. 19 Part V (pp. 344-52). • Wendy Jammer materials, posted on WISE.
Class 2	Intro to theme	Read: <ul style="list-style-type: none"> • Point Made, Part ONE (pp. 1-45) • Winning with Theme, on WISE. • Wendy Jammer materials, on WISE. Do not read: ALW pp. 332-335 (Ch. 19, Part I. D)(describing theme incorrectly)
<u>Week 4 – Monday, January 31</u>		
Class 1	Intro to appellate advocacy and appellate brief	Read: Appellate brief assignment (all materials).

Class 2	Getting organized for the appellate brief. How to cite to the record.	Read: <ul style="list-style-type: none"> • Bluebook rules B17, BT1, BT 2. • Sample briefs TBD. Reread: Appellate brief assignment (all materials).
Week 5 – Monday, February 7		
Class 1	Appellate brief research workshop. See pre-class assignment at right.	No assigned reading. Before class, make a list of key search terms for Issue 1. Find and read at least 2 relevant sources for Issue 1 (secondary materials, statutes, or cases). Be prepared to share your terms and sources.
Class 2	Theme and rules.	Read: Sample briefs TBD.
Week 6 – Monday, February 14		
Class 1	Sample briefs. CREAC, headings, topic sentences, signposts.	Read: <ul style="list-style-type: none"> • Sample briefs TBD. • Point Made, Part THREE, Chs. 12-26 (pp. 91-162). Do not read about parentheticals unless you want to.
Class 2	Appellate brief check in. Possible peer review.	Be prepared to discuss and write about Issue 1.
Week 7 – Monday, February 21		
Class 1	Further appellate brief check in. Possible peer review.	Be prepared to discuss and write about Issue 1.
Class 2	Standard of review.	Read: Legal Writing: Process, Analysis, and Organization (7 th ed. 2018), Ch. 21 excerpt. Appellate brief drafts/outlines due 9 pm. Fri 2/25.
Week 8 – Monday, February 28		
Class 1	Grammar and style. Short sentences, active voice, and parallelism.	Read: TBD. Before class: TBD.

Class 2	<p>ORAL ARGUMENTS BEFORE THE OREGON SUPREME COURT - THURSDAY 3/3.</p> <p>No class on Wednesday. Instead, attend oral arguments on Thursday 3/3.</p>	<p>Read: Case briefs for the OR Supreme Court, posted on WISE.</p>
Week 9 – Monday, March 7		
Class 1	<p>Oral advocacy</p>	<p>Read: An Advocate Persuades, Chapters 14.1-14.3, posted on WISE.</p> <p>Before class, prepare 4 or more questions (2 per side, per issue) to ask during oral argument for the appellate brief.</p>
Class 2	<p>Final tips for the appellate brief</p>	<p>Read: Point Made., Part 4, Ch. 32 & 41, pp. 188-199 & 251-257.</p> <p>Appellate brief due 9 pm on Friday 3/11.</p>
Week 10 – Monday, March 14		
Class 1	<p>No class. Participate in FYAC.</p>	
Class 2	<p>No class. Participate in FYAC.</p>	
Week 11 – Monday, March 21 – NO CLASS		
	<p>Enjoy Spring Break!</p>	
Week 12 – Monday, March 28		
	<p>TBD</p>	<p>TBD</p>
Week 13 – Monday, April 4		
Class 1	<p>TBD</p>	<p>TBD</p>
Class 2	<p>TBD</p>	<p>Post FYAC assignment(s) due: Final assignment(s) will be due on or before Sunday 4/10.</p> <p>Informational interview assignment due 9 pm on Sunday 4/10.</p>
Week 14 – Monday, April 11		
Class 1	<p>TBD. Potential speaker.</p>	<p>No reading.</p>

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Class 2	Final Class. Don't miss it!!! We will participate in a unique LRW celebration.	No reading.
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LRW ends for the year. Good luck on your finals!