



**WILLAMETTE  
UNIVERSITY**

**College of Law**

## **COURSE DESCRIPTION – Applied Legal Analysis 1 – Spring 2022**

Applied Legal Analysis 1 is designed to strengthen students' legal problem-solving abilities. We accomplish this by examining ways to “learn” the law rather than “study” it. The goal of learning the law is to use doctrinal knowledge and a variety of skills to solve a problem for a client. Thus, the focus of the course is on skill-building, not teaching legal doctrine. Some of the fundamental lawyering skills that drive strong, flexible legal problem solving addressed in this course include critical reading, rule mastery, issue spotting, legal analysis, and what constitutes strong writing in various deliverable formats. We will also address critical thinking, organization, motivation, grit, time management, self-care, learning styles, study strategies, and other core skills that aren't always addressed in legal education or practice but are necessary all the same.

This course is designed as a significant departure from Socratic and case-book classes. Instead, the primary vehicle for the development and improvement of the necessary skills noted in the first paragraph will be in-class instruction, practice in (and out of) the classroom, and additional exercises submitted via WISE. The classroom portion will focus on the delivery of in-depth skill instruction on reading comprehension, issue identification, rule analysis, critical thinking, communication of clear and precise legal analysis, recognition of “distractor” facts and issues, collaboration with peers, and group feedback on actual practice bar-style problems (essay and LRW-style performance tests). If there is sufficient need or interest, we might also tackle short answer or multiple choice strategies.

Your work will not be perfect. Nor is it expected to be. Mistakes and revisions are essential to the learning process. We will discuss individual problems in detail in order to prepare you for how to approach them effectively in timed and stressed exam conditions. This course is a collaborative venture – you must be willing to work hard and engage in honest self-assessment in order to ultimately succeed in this class and beyond. A good-faith effort and positive attitude will be helpful, as will be your ability to remain focused on your ultimate goal – earning your doctorate degree and your license to practice law. The amount of time and engagement you devote to this course will correspond to the benefits you yield from it

## **INSTRUCTOR INFORMATION**



**Prof. Amy Meyers**

**Office:** 432

**Email:** [abmeyers@willamette.edu](mailto:abmeyers@willamette.edu)

**Office hours:** Sign up via the

[Calendly link](#) in my email.

Generally, I'm available before and after class, by appointment, or by Zoom. It's easiest to reach me via email.



## **COURSE READINGS/MATERIALS**

**Required text:** None. Supplemental readings/exercises will be posted to WISE and/or distributed in class. 

**WISE** is where I will post lecture slides, supplements, assignments, etc. I send emails via WISE, so check your filters!

## **CLASS MEETINGS**



**This class will meet in Room 121 on Mondays and Wednesdays from 9:50 am – 10:50 am.**

However, the first two weeks will be remote, using the Zoom link on the course WISE page.

## **COURSE STRUCTURE**

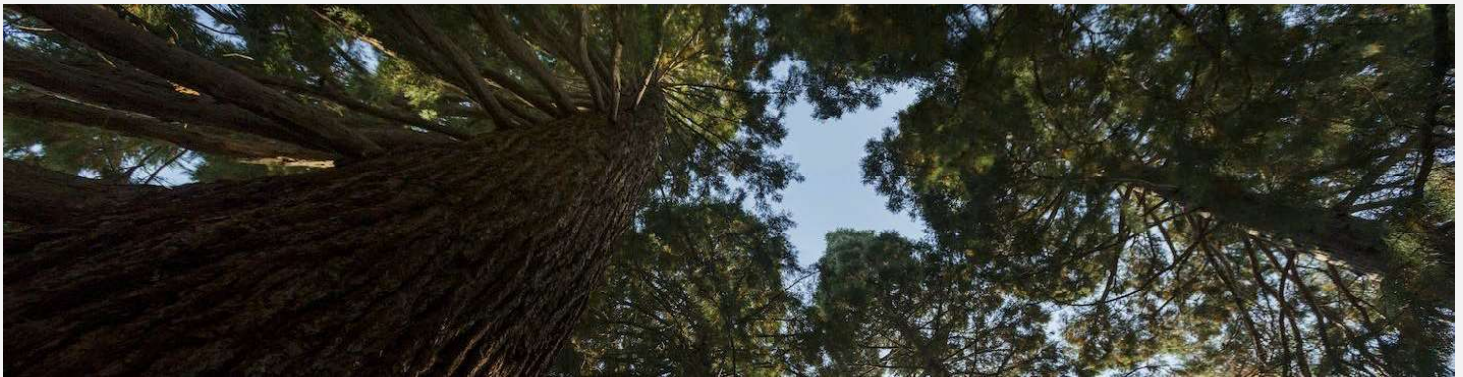
I'm a big believer in the studies that show better comprehension, retention, and performance by folks who take handwritten notes than by laptop users. I generally ban laptop or other device usage in my classes to foster this method of active learning (and to avoid the temptation of distractors). However, that is difficult with remote learning. Please try to be mindful of your computer usage and stick to a notebook and handwriting to the extent possible. When we return to in-person, bring your laptop, but use it only as directed.

## STUDENT LEARNING OUTCOMES

At the end of the semester, students will be expected to be able to have:

1. *Developed and applied effective strategies to approach:*
  - a. *The critical analysis of legal opinions, including extracting legally relevant facts, disregarding distracting (not outcome-determinative) facts, legal rules, court holdings and rationale, and relation to prior and related legal opinions;*
  - b. *Comparing, contrasting, and accurately synthesizing a series of related legal opinions and/or statutory provisions into an articulate and workable rule statement;*
  - c. *Understanding how legal opinions and statutes relate to the larger area of law being studied;*
  - d. *Focusing on key issues (issue spotting);*
  - e. *Critical reading of legal and non-legal documents to understand the power of clear, concise, and precise writing and storytelling;*
  - f. *The application of legal rules to new factual situations, including the deconstruction of a*
2. *Improved communication (oral and written) of items listed in Outcome 1;*
3. *Transferred and applied the strategies listed in Outcome 1 to various contexts, such as law school exam problems or bar exam problems;*
4. *Demonstrated reflective judgment, including the self-evaluation of performance and the ability to articulate the comparative evaluation of the work of others;*
5. *Demonstrated learning management skills, including best practices for active learning, purposeful practice, time management, planning, and overall self-care;*
6. *Demonstrated the ability to follow instructions, to be open-minded about new methods presented for your consideration, and to be willing to participate fully in exercises;*
7. *Demonstrated the ability to interact professionally with me and with your classmates, by exhibiting the honesty, integrity, and respect expected of lawyers in practice.*

*legal rule into component elements or factors and examination of policy-based reasons for potential deviations from precedent.*



The policies that guide this class are rooted in an expectation of RESPECT. Our classroom is an experimental space: we're all learning, and this requires that we ask questions, try out new ideas, take risks, FAIL, and come to new insights individually and together. Mistakes are opportunities. Feedback is a gift. Yes, it sounds trite, but it's true. When it comes to legal study, learning from mistakes is actually the best path to success. So, in this class, you are encouraged to experiment with your ideas, with your writing, and with your citizenship as part of our classroom community. You are expected, also, to offer patience, attention, grace, and respect to your classmates as they test new ideas and offer their perspectives on situations, which might differ from your own lived experiences. Professional courtesy and sensitivity are especially important in dealing with issues of race, culture, religion, politics, sexual orientation, gender, gender identity, nationality, poverty, and other issues which impact the practice of law. I will attempt to address these issues respectfully and request that you do the same. Mastering an understanding of different perspective is a fundamental skill that is highly useful to legal practitioners. You may be asked to make arguments you may disagree with in order to further your skill development. The more you help one another, the richer your experiences will be. This is true in life and in law.

With that said, I don't use honorifics in my support or skills courses. This is not intended as a sign of disrespect. Instead, it is my experience that these courses require more personal interactions and that we work best in trust-based collaboration. Treating students as individual people with real names and life stories can help form that bond, remove some depersonalization inherent in the formalities of legal studies and practice, and help students unlock their potential.

If you would prefer not to use your first name as it appears on the roster, please let me know how you would prefer to be addressed. You do not need to explain your choice of name – you may simply change it on the attendance roster or in WISE. You may prefer the honorific or a nickname and I will make every effort to respect that. If I forget, please correct me. If I accidentally use an incorrect gender pronoun when addressing you, please feel free to let me know, in whatever manner makes you comfortable, what personal pronouns you use so that I can make every effort to correct that error. My pronouns are she/her.

Despite my philosophies about the benefits of informalities, I do still expect to be referred to as “Professor” in our class-related communications until you graduate.

## Feedback

I will generally reply to email questions within 24 hours (unless over a weekend). Otherwise, timing depends on the type of feedback you are seeking

Self-assessment and peer review are key skills to success in law school, bar study, and the practice of law, so you will be practicing those, too. In that sense, you may be responsible for your own feedback at times, but I am always willing to discuss any exercise with you in more detail.

You will be given comments on written work on the 0-6 scale used on the bar exam. You should expect some of your grades to be on a high pass, pass, low pass, or fail assessment scale. Finally, some exercises are scored on completion or not. See the grading section, below, for more details about how this all works out in the end.

I endeavor to provide constructive feedback to facilitate learning and improvement. I am only critiquing your analysis and expression at this particular time on this particular exercise, not you or your potential. I hope you will find me challenging but fair.

## Late Work & Revision

Extensions may be granted for verifiable emergencies, in my discretion, if requested **in advance of the deadline only**. Otherwise, a late penalty (10% of the available points, minimum) or no credit may apply.

Revision is possible only as part of an assignment – there are no re-writes.

If you have questions, ask. We might be able to find a solution

## SUPPORT SERVICES

### Office of Student Affairs

The Office of Student Affairs (OSA) at WUCL provides comprehensive support for law students, as you should know by now - OSA helps with registration, course schedules, exams, etc. But OSA can also help students access the [Student Emergency Fund](#), which is available for students in emergency financial situations or times of crisis.

Additionally, OSA can help students where there is a need to fill out a [Report of Concerning Behaviour Form](#) where direct conversations with the person of concern have not remedied the situation. There is more information in the [student handbook](#).



## WUCL Library

The WUCL Library reference help desk is available to assist students with library research and other questions. Did you know we even have free study aids available for checkout and online?

## Disabilities Services

WUCL will make reasonable accommodations based on the impact of a documented disability, in accordance with the policy and procedures set out in the Student Handbook. WUCL is committed to making sure that everyone is able to participate fully in our courses. If you have particular needs for access to this course that you need in order to do that, please contact Dean Mac Alpine or Sue Minder, Director of Accessible Education Services, at [sminder@willamette.edu](mailto:sminder@willamette.edu) or 503-370-6737.

## Technical Support

If you are having any difficulties with anything related to Willamette or general technology, [WITS](#) should be your first choice for help!

## Health and Wellness

Willamette provides physical, mental, and spiritual health care on campus. [Bishop Wellness Center](#) is the first stop for most of your needs. You can click from there to the Mind Spa or to Counseling Services, including 24-hour crisis lines.

The [Office of Spiritual and Religious Life](#) is actually another source for mindfulness and non-denominational well being, including everything from grief counseling to meditation to happy lamps.

## COURSE GRADING

*My general teaching philosophy is that dialogue about purposeful practice is the best way to learn the necessary skills for success. The goal is to overtly reveal the real-life practice connections of the skills emphasized by the exercises while helping you make concrete progress with those discrete skills. It is my hope that you will grow as a person, as well as a student and future professional colleague, as a result of our work together. You are encouraged to identify and evaluate your “default” habits and to experiment with new methods until you find the analytical framework and system of problem-solving that is most effective for you. We want to break bad habits and form new, good ones. Self-diagnosis and self-critique are some of the strongest skills you can take away from this class.*

*Your grade will not be based upon the outcome of your work product but rather based upon your progress in your writing, your participation, overall performance. To say that your grade is not based on the correctness of your answers does not mean this is a course devoid of emphasis on the fundamental principles of legal writing or doctrinal law. Sloppy work will not be regarded favorably whereas carefully drafted and edited work will be more positively received. Reaching the incorrect answer on an essay tackled with a specific process is valued over stating the correct answer by luck and without support.*

*Your course grade will be based on your work product and efforts as follows:*

Activity/Assignment	% grade	Due Date
<b>Participation and Professionalism</b> (attendance, class discussion, conferences, Airtable, etc.)	10%	ongoing
<b>Skill-Building Assignments</b> (in-class exercises, out-of-class written assignments, accountability exercises, group work, self-grades, reflection assignments, or other tasks as assigned)	90%	ongoing

EACH ASSIGNMENT MUST BE SUBMITTED IN .DOC/X OR .PDF FORMAT WITH THE AUTHOR'S NAME IN THE HEADER OF EACH PAGE AND WITH PAGE NUMBERS UNLESS OTHERWISE INSTRUCTED IF CREDIT IS DESIRED FOR THAT ASSIGNMENT...

## EVALUATION POLICIES

In general, your grade on **written assignments** will be scored on the **0-6 scale** based on the following criteria:

- proper format (structure, presentation, compliance with directions),
- clear and logical organization,
- accurate and complete statement of the rule of law, with citation, as needed (PT only),
- clear and thorough application of the law to the client's facts for each issue and any necessary anticipatory rebuttal or counter analysis,

- use of plain English and professional tone, clear writing style, proper grammar and punctuation, and absence of typographical errors and misspellings.

Objective standards do play a role, but **those scores are viewed relative to the performance of your peers**. In that sense, it is just like the bar exam. However, while a 3/6 is, mathematically, a 50%, that does not translate to a predetermined letter grade. Instead, points will be scaled to the total available points (yet TBD) in that category.

Generally speaking, the translation from 0-6 to percentage is as follows:

6 = 95  
5.5 = 90  
5 = 85  
4.5 = 80  
4 = 75  
3.5 = 70  
3 = 65  
2.5 = 60  
2 = 55  
1.5 = 50  
0.5 = 45

On the bar, you want to aim for above 3 for passing. Again, **it's all a bell curve of relative performance**, so remember that this class is different!

Remember that some assignments will be graded on a completed with good faith effort (100%), completed but clearly not in a thoughtful manner (50%), or no submission (0%) scale.

This class is not subject to the WUCL grade curve. **However, if you do not pass or complete this class, you may not graduate.** I will not negotiate or change grades except where there is a substantiated mathematical error.

## **EFFORT AND PROFESSIONALISM**

Every student begins the semester with the expectation of receiving full credit for **professionalism**. There must be an active mis-step to “ding” that grade lower. What might cause a “ding,” you might ask? If it’s something you know is sneaky, mean, disruptive, derogatory, or otherwise just not a good idea, you’ll get a ding. For example, don’t sneak a peek at your phone when you know my policy is no devices. Not only have you violated a policy, but you’ve breached my trust AND earned a ding. If there is something emergent going on, tell me in advance that you need your phone on your desk and be honest about it. If you’re just texting or checking social media, that’s a ding. One contribution per week suffices for **participation** for the semester, though more is always appreciated, if not to the exclusion of others. This might be in the chat on Zoom or out loud. I keep a sheet with me to tally both professionalism and participation.

Please keep in mind that, in order to receive credit for this course, the ABA expects that you will be engaged in at least 2 hours of out-of-class work for every hour you are meeting with your instructor. For a 2-credit course, that means 4 hours of work per week outside of class meetings.

## **EXPECTATIONS OF STUDENT CONDUCT**

### **WUCL Policies**

The general Willamette University College of Law Handbook policies apply to this class. Let me highlight a couple that may be important:

### **Attendance & Tardiness**

The general Willamette University College of Law Handbook **policies forbid audio, video, or other recording of a class (even taking a photograph of a board) without prior consent of the professor** or as part of reasonable ADA accommodations the school directs. I will be doing my best to record every class session in order to comply with the College of Law’s policies regarding COVID-related absences (discussed below). We will work on technology and sound over the course of the semester, but please know that this recording is just a backup, and will likely be a poor substitute for actually being in class.

Pursuant to the Student Handbook, if you miss 25% or more of your class meetings, you will be administratively removed from the course. I strongly recommend that you attend as many meetings as possible, but if you need to miss an occasional class, you have a fair amount of flexibility to do so (no need to let me know in advance), and you can certainly get notes from your colleagues. If you miss 20 minutes of a class, you may be marked absent or “dinged.” Justifications for absences do not change this attendance requirement. You may not sign the attendance roster for another student when we are in person. Students are encouraged to notify the Dean of Students of any health or personal issues which may affect their ability to comply with the attendance policy (see COVID-related absences policy discussed below). **Please note: I check attendance rosters to determine whether a student between two grades should receive the higher or lower step.**

Obviously, it is unwise to miss class unless mandated by circumstances beyond your control. Consider each class a court appearance. You would not ask a court for a continuance because you have a job interview or have to prepare for something else, but instead would rearrange your priorities because you have a court appearance. You should approach class attendance the same way. If I call on you and find you unprepared, you will receive a professionalism “ding.” If we work an in-class exercise on a day you are absent, you will not be allowed to make it up but will receive a zero unless there has been an arrangement in advance.

ALL OF THE ABOVE IS SUBJECT TO THE COVID POLICIES, BELOW.

### **Attendance: COVID-19 Policy**

**While we are remote:** I will still record classes. However, in order to be counted as present and

access the recording if you are not on the class-time Zoom, you need to notify me in advance that your absence is Covid-related AND fill out the [Covid-related absence attestation form](#).

**Your camera must be on unless there's a good reason (please explain). You may use backgrounds, but please be somewhere appropriate. Pets and kids are welcome to visit.**

**When we are in person:** I will still record classes. Everyone must comply with the [Covid-19 policies](#). Please don't come to class with COVID symptoms! Instead, fill out the [Covid-related absence attestation form](#) and email me for a copy of the video.

Every professor has a different perspective on access to these class recordings. That said, if you specifically reach out to me to ask for access to the recording for days that you miss class that are Covid-related, I will send you a link to the recording as soon as I'm able. Then, after you watch that recording, please send me a one-paragraph summary of the critical points of the lecture as you understood it, along with any questions you have. If you do so within one week, 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.

If your absence is not Covid-related, but you clear it with me in advance, depending on the circumstances, I may allow you access to the recording. (i.e., "I overslept" or "I needed a mental health day" is not going to work, just as it would count as a normal 25% absence, get the notes from a friend, in non-pandemic times – and that's ok; the policy has inherent flexibility). Ask, we'll talk, and go from there. You'll still be absent – it's a question of getting access to the video. That's all.

## Academic Integrity

**Your academic honesty is assumed**, which means that I expect all of your submitted work to have come from your brain and your hand alone unless I specifically told you that collaboration is permitted on the assignment. I will reuse exercises from prior years where answers are available on the internet or from other students. You may not rely on anything passed down or published. Within

the legal communities, plagiarism represents a serious breach of trust and can carry severe consequences, including disciplinary action like expulsion. If you are critically reading this syllabus, stop here. To demonstrate your reading comprehension skills, good study habits, and respect for the course (do you really think we write these syllabi for our own pleasure? No!! It's intended to set out the expectations for you in advance!), and professionalism in written communication, send me a professionally-drafted email in an appropriate format like one would do in practice with the subject "perspective" and include one sentence describing what you hope to learn from this class. You should feel free to share other things, if you wish. If you send that email prior to the start of our first class period, you will earn a bonus point toward your final grade. The line between reasonable discussions and collaborations and plagiarism can be a fine one. If you are ever in doubt, please ask me for clarification before crossing it.

## Classroom Conduct

As noted earlier, basic classroom etiquette is also expected – disruptions, distractions, and other unprofessional conduct may negatively impact a student's professionalism grade. **CELL PHONES OR OTHER SIMILAR DEVICES ARE NOT ALLOWED TO BE ACCESSED DURING CLASS UNLESS YOU HAVE RECEIVED MY PRIOR APPROVAL.** If you must leave the classroom for another reason (washroom, water), please try not to slam the doors.

I have generally taught this class with a laptop ban, and I'm a little leery of going back on screen after so much time on Zoom hasn't been great for bar examinees. Please at least consider trying just to use a pen/pencil and notepad even while we are remote. The laptop ban will be in effect once we return to in person classes. **WHILE YOU use your laptops, even for in-class exercises, you do NOT have permission to be on websites other than those necessary for class.** Violations will be considered breaches of trust and result in a "ding" if not loss of laptop privileges, which would cause a zero grade on an assignment. **Failure to follow this policy may also result in lost professionalism points or a step drop in your grade.**

## COURSE SCHEDULE and Reservation of Rights

The terms of this syllabus or the schedule of exercises in the Course Calendar may be altered, amended, or deleted from time to time as I deem necessary or desirable at my discretion. Please note that the Course Calendar is tentative, approximate, and **highly** likely to change, depending on how our class flows.

You should expect at least one revision, but likely more. The course builds skills progressively through a series of assignments. The course also evolves throughout the semester as we gain an understanding of baseline learning levels and specific skills or strategies that need more/less attention. Further, the schedule or exercises can change based on YOUR input. When the calendar changes, I will notify you as soon as possible in class, on WISE, and/or via e-mail.

The Course Calendar will be posted separately to WISE (likely in multiple documents). I usually only release one module at a time because of the circumstances stated above in the Reservation of Rights – it just gets too messy. In addition, this is not a course where you can “work ahead” of the reading list.

Generally speaking, the course is conducted in modules to include introductory and diagnostic work and then recursive skill practice. There are also the occasional exercises that might appear to be one-hit-wonders or misfits but which will actually help you to build the foundational skills for your future success.

The general outline of the class will take us through several skills that are necessary for success in law school and in the practice of law, as well as several bar-tested skills and topics. The primary goal from the course learning outcomes is to improve your analysis and writing skills, not to assess your legal knowledge of a particular topic. Stated differently, the law is the context for the exercises, not the end goal of the course. If you review the learning outcomes for the course, you will see this is a class about skills, not doctrinal knowledge. You will not have covered all of the doctrinal law that is used in the exercises and that will be ok. One goal of this class is to fill some gaps in coverage that you will need to learn before the bar exam. You will be provided with the law you need to understand every exercise, we will discuss the problems in class, there are checkpoints, etc. And, again, this is about strategies and skills, not the correctness of an answer. So, if you pick up a little extra knowledge, yay!!

This course is a safe place to ask questions related to law school and legal practice – even ones you think you should know, but just aren’t sure about. I’m not talking about particular substantive doctrinal legal questions that are better aimed at the professor for a specific course. I mean general law practice questions and law-adjacent questions that you just don’t know where else to go for. Examples include: “When someone says they practice civil litigation, what does that mean?” or “Which party usually has the burden of proof in a lawsuit?” As you think of questions you would like answered, please feel free to email them to me or drop them in an Airtable.

I look forward to working with you this semester and watching you be piped into your own graduation!

Prof. M.



### Broad Calendar Overview:

Module 1: Core Skills	January	Nelson v. Lewis, Self-Assessment, Humana v. Seitz, Bananas
Module 2: Legal Reasoning, Legal Writing in Structure, Legal Editing	February-March	Funworld, Baseball
Module 3: Transferring Skills	March-April	Preparing for Finals – Timed Writes on Course Topics