

TRIAL LEVEL WRITING

Spring Semester, 2009

Draft

**LEGAL RESEARCH, WRITING, AND ANALYSIS (“LRWA”)
TRIAL LEVEL WRITING (“LRWA II”)**

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COURSE INFORMATION:

Instructor:

Jennifer A. H. Hodge
Room 224, Truland Building
Office: (703) 993-9679; E-mail: jhodge4@gmu.edu
Office hours: TBA or call to schedule an appointment.

Required Texts:

Thomas A. Mauet, Pretrial (Aspen Law & Business, 7th ed. 2008) (“Mauet”)

The remaining texts were required for LRWA I and will be used again this semester:

- Richard K. Neumann, Jr., Legal Reasoning and Legal Writing (Aspen Law & Business, 5th ed. 2005) (“Neumann”)
- Harvard Law Review, The Bluebook: Uniform System of Citation (Harvard Law Review Association, 18th ed. 2005) (“The Bluebook”)
- TeachingLaw.com
- Richard C. Wydick, Plain English for Lawyers (Carolina Academic Press, 5th ed. 2005) (“Wydick”)

Recommended Text:

Tracy L. McGaugh, et al., Interactive Citation Workbook (Lexis Publishing 2008) (“Workbook”)

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INTRODUCTION:

Welcome to Trial Level Writing (LRWA II).

Class times and locations may vary. Remember to refer to your syllabus often and check the TWEN electronic bulletin board daily. Classes generally meet for two hours.

As you know by now, it is important that you follow the rules for the LRWA program. The rules are posted on TWEN. Remember, as a general rule, in the LRWA program all written work must be your own. You should not discuss your work with classmates until you are instructed to do so by Jennifer Hodge.

Since LRWA is a professional skills class, you should conduct yourself as a professional in all dealings with your Writing Fellow, the library staff, and your classmates. You should complete the reading assignments and come to class prepared to discuss the material and to complete in-class exercises (including those not shown on the syllabus).

In class, Jennifer Hodge and the Writing Fellows may discuss different approaches to writing and editing employed by fellow students and practitioners. As a result, any project on which you work may be distributed or used during class for critique and discussion.

PLAGIARISM:

The LRWA Rules explain the requirements for attributing sources. In short, whenever you reproduce the precise wording of a case or a secondary source, you must attribute the source and use proper quotation form. Often, a more sophisticated and effective technique is to paraphrase a court's holding or a secondary source (instead of incorporating large block quotation) and provide the proper attribution. Changing one or two words in a sentence, but retaining the general idea or information conveyed by the source, does not eliminate the need to provide quotation marks and an attribution. If you copy the ideas of another person, you must also provide attribution, even if the idea is not copied verbatim. It is not unusual to be concerned or confused about proper attribution or quotation form. If you have any questions about plagiarism at any time, please talk with your Writing Fellow or Jennifer Hodge.

SUPPLEMENTAL RULES

- A) Deductions of .25 may be taken for Blind Grading Number errors, including, but not limited to, losing, misplacing, or forgetting Blind Grading Numbers.
- B) If your Writing Fellow has a requirement that you submit hard copies to his/her mailbox, you must abide by that rule. If you violate the Writing Fellow's rules for hard copies, the Writing Fellow may deduct .25 from your paper.
- C) You are responsible for reviewing all electronic comments made by Writing Fellows.

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Several types of word processing software, such as Open Works, will not reveal electronic comments. If you are unable to view electronic comments, you must make arrangements to see them or find out their content. The Writing Fellow may deduct points if you fail to make suggested changes or revisions to the paper because you could not read the comments.

D) As a general rule, recording of class lectures is not permitted.

ICW Workbook Exercises (Mastering the Bluebook):

As you now know, the Bluebook is a uniform citation system used by the legal community. The Workbook Exercises are designed to help you master the system on which you will be tested at the end of the semester. We began Workbook Exercises last semester, and we will complete them this semester.

You do not need to purchase a copy of the Workbook to complete this course; it is recommended as some students like to use the Workbook for the open book Bluebook test. All students will complete the Workbook Exercises online at <http://lawschool.lexis.com/icw>, which is available free of charge.

Please follow the online instructions for completing the exercises. Each chapter takes approximately one half to two hours to complete.

When you finish the exercises online, you should email the results to your Writing Fellow as the "instructor" for Bluebook exercises. It is recommended that you also email a copy of the results to yourself. Also, you may choose to print out the results for your records and for use on the Bluebook test. Please do not email the results to Jennifer Hodge.

ELECTRONIC SUBMISSION:

Projects must be submitted as directed by the syllabus.

Where the syllabus calls for "electronic submission," you will go to <http://www.law.gmu.edu/academics/lrwa/> and follow the instructions provided. Additionally, your assigned Writing Fellow may require the submission of hard copies for his group. Violation of a Writing Fellow's hard copy requirement could lead to a penalty as stated in the Supplemental Rules.

LAPTOPS:

Students may use laptops (and similar devices) in class for note-taking and other uses solely related to class work. During some classes, you will be instructed to close the lids on your laptops. Laptops (and similar devices) may not be used for non-class related activities, including, but not limited to, surfing the Internet, blogging, instant messaging, sending or receiving e-mails, or playing games. Anyone found improperly using a laptop (or similar device) will be warned. Any student found improperly using a laptop (or similar device) after warning

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will not be permitted to bring his/her laptop (or similar device) to class.¹ For Research Class sessions, please bring your ethernet cable to class if possible.

GRADING:

Except for Pass/Fail projects, all projects in the LRWA program are graded on a 1 to 6 scale, with 6 being the highest grade a student can achieve. More information about the scale is posted on TWEN. The final grades for the course are curved, and you are graded within and against the group of students assigned to your Writing Fellow.

For graded projects, when your Writing Fellow returns papers, the Writing Fellow will provide you with the high, low, and median grade for the group of students assigned to that Writing Fellow. Writing Fellows provide detailed comments on your work, identifying mistakes and areas of improvement. However, because of the number of students and the amount of work involved in this course, Writing Fellows cannot - nor are they expected to- identify every error made by students.

For Pass/Fail projects, if the project demonstrates a lack of effort on the part of the student, or if the project does not follow the direction or instruction provided in the group lecture or in the break out session, the project will receive a Failing mark. Late Pass/Fail projects will receive a Failing mark, unless an extension is granted by the Director per LRWA rules. Incomplete projects demonstrate a lack of effort on the part of the student.

*Please note that participation in the first round of the Moot Court Competition on **Saturday, March 28** is a **mandatory requirement** for this course. Students must compete to pass the course.*

Your final grade for the semester will be allocated as follows:

Project 1	05%
Project 3	10%
Project 4	10%
Project 5	05%
Project 6	20%
Project 7	05%
Project 8	25%
Class Participation*	05%
Research and Bluebook Test	10% (5% allotted to each subject)
Pass/Fail Work**	05%

¹ Language for this section taken primarily from a syllabus prepared by Laurie A. Lewis, Clinical Assistant Professor at the Catholic University of America, Columbus School of Law.

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*Class Participation will be evaluated using a variety of factors that include but are not limited to in-class participation, interaction with other students, and interaction with your assigned Writing Fellow in class and in your individual meetings.

**Pass/Fail work includes Project 2 and ICW Bluebook Exercises.

The schedule of meeting times and reading assignments is set forth in Appendix A. The project schedule is set forth in Appendix B.

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APPENDIX A: CLASS SCHEDULE

Class Meetings & Other Dates	Class Topic	In Preparation for Class: <i>Articles available on Lexis and/or Westlaw</i>
Friday, January 9	Trial Practice: <ul style="list-style-type: none"> • case evaluation, strategy & process • conducting a client interview • the client letter 	<ul style="list-style-type: none"> • Mauet Chs. I-IV Additional Optional Reading posted on TWEN (theme of case/listening to client)
January 12-16	Conduct the client interview with associates of your firm	<ul style="list-style-type: none"> • Neumann Ch. 8 • 20 Minute Interview of Client-Bring prepared outline of Questions
Friday, January 16	Research Session: <ul style="list-style-type: none"> • Research Review • Secondary Sources • Lexis/Westlaw training 	Bring laptops to class with ether cables if possible
Friday, January 23	Complaints & Answers	<ul style="list-style-type: none"> • Mauet Ch. V • Additional Optional Reading posted on TWEN (Complaint drafting after <i>Twombly</i>) • Review sample complaints posted on TWEN
Friday, January 30 NO CLASS MEETING		
Friday, February 6	Research Session: <ul style="list-style-type: none"> • Court documents—briefs • Court rules • Topical research guides • More Secondary Sources • Websites 	<ul style="list-style-type: none"> • Bring laptops to class with ether cables if possible
Friday, February 13	The Motion Process Introduction to Persuasive writing	<ul style="list-style-type: none"> • Mauet Ch. VII • Neumann Chs. 27-29
Friday, February 20	The Motion Process & Persuasive Writing continued	Neumann Chs. 24-26
Friday, February 27	<ul style="list-style-type: none"> • Oral Argument • Presentation by the Moot Court Board 	<ul style="list-style-type: none"> • Neumann Ch. 34 • Review materials posted on TWEN under Moot Court Competition (“Competition”) • For break out session: bring outline for client to discuss arguments with firm

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Week of March 2-6 NO CLASS MEETING	WFs available for meetings; Have a great spring break!	None
Friday, March 13	No class or break out session – continue to enjoy spring break!	None
Friday, March 20	Discovery	<ul style="list-style-type: none"> • Mauet Ch. VI • Review/bring materials as instructed on TWEN • Additional Optional Reading posted on TWEN (electronic discovery issues)
March 23-27 (in lieu of class on March 28)	Attend individual meeting with WF to discuss memorandum in support of motion	Review materials posted on TWEN under Competition
Saturday, March 28	First Round of Competition – Mandatory Participation	
Friday, April 3	<ul style="list-style-type: none"> • Draft motion assignment problems • Preparing the other side 	Bring clean copy of your working motion memo to break out session
Saturday, April 4	Advancing Round of Competition—Optional Participation	
Friday, April 10	<ul style="list-style-type: none"> • Final Round Competition • Students may attend the Competition OR attend class session (times TBA) to see the tape of the Final Round 	
Week of April 13	Bluebook and research review sessions offered – optional attendance (times TBA)	<ul style="list-style-type: none"> • Bring Bluebook • be prepared to participate
Friday, April 17 Times TBA	Bluebook and Research Test	<ul style="list-style-type: none"> • Review Exercises • Bring pencil, Bluebook & copies of exercises

APPENDIX B: PROJECT OVERVIEW AND SCHEDULE

Due Date & Time	Assignment	Weight (Percentage of Final Grade)	Anticipated Return
Tuesday, January 20 10:00 a.m. via electronic submission ("E.S.")	Project 1 – Client Letter	5%	Monday, January 28
Sunday, January 25 6:00 p.m. via E.S.	Project 2 – Case List/Research Trail	Pass/Fail	Tuesday, January 29
Friday, February 6 10:00 a.m. via E.S.	Project 3 – Cease & Desist Letter	10%	Monday, February 16
Tuesday, February 10 6:00 p.m. via E.S.	Project 4 – Complaint	10%	Monday, February 23
Friday, February 20 10:00 a.m. via E.S.	Project 5 – Answer	5%	Monday, March 2
Saturday, March 7 10:00 a.m. via E.S.	Project 6 - Memorandum of Law in Support of Motion	20%	Friday, March 21
Saturday, March 28 Time Assigned by Moot Court Board	First Round of Competition	Participation mandatory.	Score sheets returned to student mailboxes at discretion of Moot Court Board
Sunday, April 5 10:00 a.m. via E.S.	Project 7 –Discovery	5%	Monday, April 13
Monday, April 13 7:00 p.m.	ICW Bluebook Exercises, Chapters 6-8, 10, 12-14	Pass/Fail	No return
Friday, April 17 1 p.m. or 6 p.m.	In-class Bluebook and Research Test	10%	Results available after Records Office posts spring grades
Monday, April 20 7:15 p.m. via E.S.	Project 8 – Memorandum in Opposition to Motion	25%	Returned to students over the summer