I. INSTRUCTOR & TEXTBOOK INFORMATION

INSTRUCTOR
Suzzette Rodriguez Hurley
Hazel Hall, Room 433B
703.993.9679
shurley2@gmu.edu

HURLEY OFFICE HOURS
Tuesdays 12-2 pm
or by appointment

EVENING INSTRUCTOR
Richard Kelsey
Hazel Hall, Room 212
703.993.8973
rkelsey@gmu.edu

INSTRUCTIONAL SERVICES
LIBRARIAN
Melanie Oberlin
Library, Room 139
703.993.8111
moberlin@gmu.edu

1 Please send an email to shurley2@gmu.edu indicating your desire to meet during office hours.
Required Texts (LRWA I and II):


Additional Required Text (LRWA II):


Recommended Text:


II. INTRODUCTION

Welcome to Trial Level Writing (LRWA II). Now that you have completed a full semester introducing you to legal research, writing, and analysis and to writing predictive (objective) legal memoranda, we transition to trial-level writing. In this course you will build on the instruction you received and writing you completed last semester. You will learn to draft various types of litigation documents. And, you will learn to write as an advocate, in a persuasive manner.

As was the case last semester, classes generally meet for two hours (one hour of lecture and one hour of “Breakout Session”). Please review the course calendar carefully, however, as alternate meeting schedules occur throughout the semester.

As you know by now, it is important that you follow the rules for the LRWA program and to comply with the requirements of the Honor Code. 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 or unless you are instructed to do so by the Director of LRWA. In addition, you should not discuss your legal research and/or writing for this class with others with legal training.

Because LRWA is a professional skills class, you should conduct yourself as a professional in all dealings with your Instructors, the Writing Fellows, 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.

In class, we may discuss different approaches to writing and editing employed by fellow students and practitioners. As a result, any assignment on which you work may be anonymously distributed or used during class for critique and discussion.

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2 Students may elect to purchase the hard copy or online version of the book.
III. PLAGIARISM

The LRWA Rules explain the requirements for attributing sources. In short, whenever you reproduce the wording of a case or a secondary source, you must attribute the source and use proper quotation form. Significantly, 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. A sophisticated, effective, and preferred technique is to paraphrase a court’s holding or a secondary source (instead of incorporating a large block quotation) and to provide the proper attribution. In sum, if you copy the ideas of another person, whether verbatim or in general terms, you must provide attribution. It is not unusual to be concerned or confused about proper attribution or quotation form. It is best to err on the side of caution and provide attribution if there is any question. If you have any questions about attribution at any time, please talk with one of the Writing Fellows or your Instructor.

IV. ICW EXERCISES

The Bluebook is a uniform citation system used by the legal community. The ICW exercises are designed to help you master the Bluebook citation system. You will be tested on your “bluebooking” skills at the end of this semester.

You will complete the ICW exercises independently as part of the required coursework. See the course calendar for information regarding required and recommended chapters and the due date for this work.

You will complete the ICW exercises online at http://lawschool.lexis.com/icw (available free of charge). Please follow the online instructions for completing the exercises. Enter your Writing Fellow’s email address as the “Primary Professor’s Email” and the LRWA Bluebook Specialist’s, Billy Wiegand, email address as the “Secondary Professor’s Email” (billy.writing@gmail.com). You should also email a copy of the results to yourself. Do not email the results to Suzzette Rodriguez Hurley. In addition, you may choose to print out the results for your records and for use on the Bluebook exam next semester. Please direct questions regarding the ICW exercises to the LRWA Bluebook Specialist or your Writing Fellow.

ICW exercises are a component of each student’s final grade and are evaluated on a “Pass/Fail” basis. To earn a “Pass” for a given exercise you must score at least a 70% (e.g. answer seven out of ten citation questions correctly) on the exercises.

V. ELECTRONIC SUBMISSION

LRWA projects must be submitted using the law school’s electronic submission system available at http://www.law.gmu.edu/academics/lrwa. Please follow the submission instructions carefully. For each project submitted electronically, you must keep a copy of the confirmation of submission page
(available after proper submission) and must send a copy of the electronic submission to yourself via email.³

VI. USE OF TECHNOLOGY DURING CLASS

Students may use laptops and similar devices in class for note-taking and other uses related to class work. Laptops and similar devices may not be used for non-class-related activities, including, but not limited to, surfing the Internet, blogging, instant messaging, social networking, sending or receiving e-mails, or playing games. Anyone found, by the Director, Course Instructor, or Writing Fellow, improperly using a laptop or similar device may be prohibited from using or bringing to class the laptop or similar device. In addition, during some classes, students will be instructed to cease using their laptops.

Laptops are required for various class meetings as indicated on the Course Calendar. If you do not have access to a laptop for use during the required class meetings, please contact the Instructional Services Librarian Melanie Oberlin (moberslin@gmu.edu).

NOTE regarding the recording of class lectures: As a general rule, recording of class lectures is not permitted.

VII. GRADING

Except for Pass/Fail assignments, LRWA assignments are graded on a scale of 0 to 6, in 0.25 point increments, with 6.0 being the highest grade a student can achieve. The Grading Guide shown below offers a brief description of the grading scale and is used as a guide only when determining student grades on assignments. Consistent with the law school curved-grading system, students are evaluated relative to the students in their Writing Fellow section only.

³ Some Writing Fellows also require that students submit a hard copy of the assignment in the Writing Fellow’s mailbox (in addition to the electronic submission of the same assignment). Students must follow the Writing Fellow instructions regarding these required hard copy submissions and must submit the exact same product that was entered via the electronic submission system. Failure to comply with these requirements may lead to penalties.
LRWA GRADING GUIDE

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>6.0</td>
<td>Exemplary work product. A project which receives a grade of 6 demonstrates a degree of competence in response to the task assigned.</td>
</tr>
<tr>
<td>5.0 - 5.75</td>
<td>Excellent work product. A project which receives a grade in the 5-range demonstrates clear competence in response to the task assigned.</td>
</tr>
<tr>
<td>4.0 - 4.75</td>
<td>Strong work product. A project which receives a grade in the 4-range demonstrates adequate competence in response to the task assigned.</td>
</tr>
<tr>
<td>3.0 - 3.75</td>
<td>Good work product. A project which receives a grade in the 3-range demonstrates some competence in response to the task assigned.</td>
</tr>
<tr>
<td>2.0 - 2.75</td>
<td>Weak work product. A project which receives a grade in the 2-range demonstrates only limited competence in response to the task assigned.</td>
</tr>
<tr>
<td>1.0 - 1.75</td>
<td>Deficient work product. A project which receives a grade in the 1-range demonstrates fundamental deficiency in response to the task assigned.</td>
</tr>
<tr>
<td>0 - 0.75</td>
<td>Unacceptable work product. A project which receives a grade in the 0 to 0.75 range demonstrates extreme deficiency in response to the task assigned. It is a product unacceptable to a court, a client or a supervising attorney.</td>
</tr>
</tbody>
</table>

Your Writing Fellow will provide the grades and feedback on your work. For graded assignments, when your Writing Fellow returns papers, the Writing Fellow will provide you with the high, low, mean, and median grades for the group of students in your Writing Fellow section. Writing Fellows provide comments on your work, identifying mistakes and areas for 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 assignments, if the assignment demonstrates a lack of effort on the part of the student, if the student fails to follow direction or instruction, or if the student fails to timely submit the assignment, the student will receive a failing grade. Incomplete products demonstrate a lack of effort on the part of the student.
Final grades for the semester will be comprised of the following allocations:

<table>
<thead>
<tr>
<th>Project</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client Letter</td>
<td>5%</td>
</tr>
<tr>
<td>Predictive Memo</td>
<td>10%</td>
</tr>
<tr>
<td>Draft Complaint</td>
<td>P/F</td>
</tr>
<tr>
<td>Revised Complaint</td>
<td>12.5%</td>
</tr>
<tr>
<td>Research Outline</td>
<td>P/F</td>
</tr>
<tr>
<td>Draft Argument Section</td>
<td>15%</td>
</tr>
<tr>
<td>Memo of Law</td>
<td>30%</td>
</tr>
<tr>
<td>Discovery Requests</td>
<td>10%</td>
</tr>
<tr>
<td>Research/Library Exercises</td>
<td>5%</td>
</tr>
<tr>
<td>ICW Exercises</td>
<td>2.5%</td>
</tr>
<tr>
<td>Pass/Fail Projects</td>
<td>5%</td>
</tr>
<tr>
<td>Bluebook Exam</td>
<td>5%</td>
</tr>
</tbody>
</table>

Your Instructor and Writing Fellow will also note your level of class participation throughout the semester. Your grade in the course may be adjusted up or down one step (e.g. from B to B- or from B to B+) based on participation.

“Research/Library Exercises” will be evaluated on a Pass/Fail basis but will be considered independent of the “Pass/Fail Projects” for final grade calculation.

An “F” grade will be issued to any student who fails to submit at least 50% of the required course work as determined by weighted percentage.

All LRWA II students are required to participate in the First Year Moot Court Competition on Saturday March 24, 2012. Participation is mandatory and required to pass LRWA II.

Assignment memos for each project will be posted on TWEN throughout the semester.

VIII. LRWA RULES

Scope of the Rules

These Rules apply to LRWA II: Trial Level Writing (“Course”) and are designed to accustom students to the rigors of following court rules and procedures. Court deadlines and format instructions are very strict — judges are likely to refuse a document that fails to comply with that court’s particular rules. More importantly, failure to comply with the rules could have grave consequences for the client and severe penalties for the attorney. Law School is an excellent time to learn to follow such strict requirements.

These Rules shall apply to all students and assignments in the Course, and each student is expected to follow the Rules.
Rule 1. Course Attendance and Participation

1.1 Course Attendance. The Director, Course Instructor, or his or her designee, will take attendance in every class. Pursuant to Academic Regulation 4-1, each student shall maintain a record of his or her attendance in each class. Pursuant to Academic Regulation 4-1, any student missing more than 20% of the class sessions will not receive credit for the course. A student who believes that he or she may miss more than 20% of the class sessions should immediately notify the Director and the Director of Student Academic Affairs. For purposes of this section, a class session is comprised of both group lecture (approximately 1 hour) and the break out session following group lecture (approximately 1 hour). Missing a scheduled individual meeting with a Writing Fellow is considered missing one-half of a class session.

1.2 Absences. Students seeking to be excused must notify the Director or Course Instructor as soon as practical after the student becomes aware that he or she will miss more than the allowed clock hours of class. Exceptions will be granted only for medical and other emergencies beyond the control of the student. Any decision by a Course Instructor may be appealed to the Director. Any decision by the Director may be appealed to the Associate Dean for Academic Affairs.

1.3 TWEN Postings. Students shall check the TWEN electronic bulletin board daily for updates to the Course syllabus or assignments.

1.4 Class Participation. Students shall be prepared for class. Class participation is a component of each student’s grade and is outlined in the Course syllabus. In class, students often discuss different approaches to writing and editing employed by their fellow students. Therefore, students should expect that their work might be anonymously distributed during class for critique by fellow students. Students should discuss other student work in a professional and respectful manner.

1.5 Minimum Project Submission Requirement. An “F” grade will be issued to any Student who fails to submit at least 50% of the required course work as determined by weighted percentage (the “Minimum Submission”). This requirement does not mean, however, that a Student will receive a grade higher than an “F” by merely turning in more than the Minimum Submission.

Rule 2. Individual Work and Sources for Assistance with Assignments

Because this Course involves research, writing, and analysis, it is important that students work independently to develop their analytical skills. This section will guide students in determining when and to what extent it is permissible to consult with others regarding Course assignments. Students should consult the Director, the Course Instructor, or a Writing Fellow if they are unclear or uncertain about the scope of these rules.

2.1 Restrictions on Outside Assistance. Students shall not seek outside assistance with Course assignments from anyone who has legal training or who is attending or has ever attended any law school. For example, students shall not ask attorney co-workers, acquaintances at law
schools other than George Mason, or attorney or paralegal friends for any help with the work of the Course.

2.2 **Restrictions on Assistance within Law School.** Except as otherwise provided in these Rules, students shall not seek assistance with Course assignments from anyone employed by or attending George Mason University School of Law. For example, students shall not ask their classmates or other students for any help with the work of the Course and students shall not provide assistance with the work of the Course to their classmates or other students.

2.3 **Assistance from LRWA Program.** Students may seek assistance with Course assignments from the Director, Course Instructor, or their assigned Writing Fellow. Students should be aware, however, that the Director, Course Instructor, or Writing Fellow may elect, for pedagogical reasons, not to answer certain questions.

2.4 **Restrictions on Discussion and Collaboration.** Students are not permitted to share written work product; each student is solely responsible for completing each written project throughout the semester. Students may not review other students’ written work, nor may they edit or proofread other students’ work in this Course during this semester. Because assignments in this Course build upon previous assignments, students shall not review other students’ completed and/or graded work product during this semester. When specifically directed, students are permitted limited collaboration in this Course within their Writing Fellow sections. The limitations on collaboration will be defined by the Director, Course Instructor, or Writing Fellow. Failure to abide by the limitations on collaboration may result in a penalty on the LRWA assignment and/or referral to the Honor Committee. Students may only discuss the substantive content of assignments for this Course with other students during LRWA class (including both lecture and breakout sessions).

2.5 **Additional Permitted Assistance.** Students may receive assistance and consult with the following persons as specified below:

   a. **Library Staff**- Students may obtain general advice on the process for identifying, locating and using books, law review articles, and other research materials from a member of the library staff. Writing Fellows are also a good source of advice on the location and use of books, law review articles and other research tools and may be consulted by the student.

   b. **Lexis or Westlaw Representative**- Students may receive individual assistance on the structure of the Lexis or Westlaw databases, or on general methods for formulating computerized research queries, from a Lexis or Westlaw representative. When the student consults a Lexis or Westlaw representative on methods for formulating computerized research queries, the student must select and provide the terms the student wishes to utilize in the search.

   c. **Fellow Students in the Course when Authorized**- The Director, Course Instructor, Writing Fellow, or the Course syllabus may specifically allow students to confer with fellow students for specified purposes and/or assignments. Where “group” or “partner” work is to be conducted the scope of such “group” or “partner” work will be specified in writing.

   d. **Outside Assistance from Non-lawyers and Persons Without Legal Training**- Students may confer with and receive outside assistance on Course assignments from non-
lawyers and persons without legal training. For example, a student may consult a co-worker, spouse/significant other for proofreading assistance, input on the soundness of an argument or theory, writing-style assistance, or general advice and support, so long as the person consulted is a non-lawyer and has no legal training or experience.

2.6 **Expansion of Rules 2.4 and 2.5.** The Director or Course Instructor may expand the parameters of Rule 2.5 by posting an explanation of such expansion in writing.

2.7 **Confidential Treatment of Computer Assisted Legal Research Passwords.** Students must not reveal their Lexis or Westlaw passwords to anyone, nor may any student use anyone else’s password to complete research for the Course.

2.8 **Consequence(s) of Violation(s).** Violation of these Rules may result in a grade of “0” or “F” for the assignment(s) involved, an “F” for the final grade in the course, and/or referral to the Honor Committee as appropriate.

**Rule 3. Ethical Behavior**

3.1 **General Ethical Standards.** A student shall not
(a) knowingly make a false statement of law;
(b) knowingly fail to disclose in his or her brief or memorandum directly adverse legal authority in the controlling jurisdiction;
(c) assert a legal argument unless there is a non-frivolous basis for doing so, or
(d) use the ideas of another person without attribution.

3.2 **Plagiarism.** If an objective reader would recognize a passage as substantially constituting the words of another writer, students must identify that passage as a direct quotation. Students shall comply with the Guidelines Concerning Plagiarism posted on TWEN. Unless instructed otherwise, students who copy all or part of their work from a form must identify the form in a footnote.

3.3 **Consequence(s) of Violation(s).** Any violation of these rules of ethics may result in a grade of “0” or “F” for the assignment(s) involved, an “F” for the final grade in the course, and/or referral to the Honor Committee as appropriate.

**Rule 4. Submission of Projects and Assignments**

4.1 **Due Dates and Times.** Projects and assignments are due as provided by the Course Calendar. Students shall follow the instructions outlined on the Course syllabus or as given by the Course Instructor or Writing Fellow. Where assignments are to be submitted to mailboxes, please note that the mailboxes are located on the fourth floor of Hazel Hall. Assignments should be placed into the mail slot located under the name of the Course Instructor or Writing Fellow who is to receive the mail. When assignments are submitted electronically, the running clock on the electronic submission page is the clock used to determine the time of the submission.
4.2 **Blind Grading Numbers.** Students shall select and register blind grading numbers (“BGN”) for all projects during class at a time selected by their Writing Fellow. Students shall use their BGNs instead of their names on completed assignments as instructed by the assignment memo, Director, Course Instructor, or Writing Fellow.

4.3 **Penalties Associated with Blind Grading Numbers.** A Student’s final grade on any project may be reduced by 0.25 of a point if the student does any of the following:

   (a) Loses his or her BGN for the Project and requests the information from the Director or Assistant Director;
   (b) Turns in the Project with the wrong BGN; or
   (c) Changes her or his BGN for the Project from the BGN she or he originally selected.

4.4 **Electronic Submissions.** All projects which require electronic submission as outlined on the Course syllabus and/or calendar should be submitted via the electronic submission link at [http://www.law.gmu.edu/academics/lrwa](http://www.law.gmu.edu/academics/lrwa). There may be a time delay during periods of high demand. Demand is greatest within the ten minutes immediately preceding a deadline. To ensure timely submission, students should begin to submit the project at least fifteen minutes before the deadline. **Students assume the risk of late penalties by waiting to submit a project until the final minutes before a deadline.**

Upon electronically submitting any project, the student must:
   (a) send a copy of the submission (using the BCC or other function on the electronic submission system) to himself; and
   (b) retain a copy of the confirmation of submission screen which indicates successful electronic submission of the project.
These materials will be required if the student has any issue or question regarding timely submission of any project.

4.5 **Late Submissions.** Only the Director may excuse late assignments. Generally, late assignments will be excused only if the cause is entirely beyond the control of the student. Late assignments will not be excused if due to computer or other electro/mechanical failure. Late receipt will be excused only in rare instances, and then only if:

   (a) The Director is informed of the emergency prior to the due date and time for the assignment where practical; and
   (b) A written request for excuse of late submission is provided to the Director as soon as practicable.

Any decision by the Director may be appealed to the Associate Dean for Academic Affairs.

Notwithstanding the extremely rare instance of an excused late assignment, late assignments will be reduced by one-half (0.5) point for any assignment turned in within 60 minutes after the deadline. Assignments submitted more than 60 minutes after the deadline but within 24 hours after the deadline will be reduced one (1.0) full point. Thereafter, one-half (0.5) point
will be deducted for each subsequent 24 hour period, or part thereof, that the assignment is late. Deductions are from the 6 point scale used by the LRWA Program.

Rule 5. Format

5.1 **Formatting Requirements.** Unless specifically directed otherwise, all assignments shall be:

- On 8-1/2” x 11” unruled white paper with 1 inch margins;
- Double spaced (but for footnotes which may be single spaced);
- Left justified;
- Stapled in the upper left-hand corner, where submitted in hard copy;
- Typed, using Times New Roman 12 point font (including footnotes);
- Page-numbered, with the typed page number centered at the bottom of the page;
- “Signed” with the Student’s BGN only, unless otherwise directed by the Instructor. Use of an incorrect BGN may be considered a format violation.

Students shall strictly adhere to all page limits.

5.2 **Special Formatting Instructions.** Special format instructions, different from or in addition to those specified above, may be applicable to a Course assignment. For example, students may be directed to follow all or some of the local rules of a court in which an assignment is set. Whenever students are expected to follow special format rules, students will be informed of such expectations in writing by the assignment memo, Course Instructor, Writing Fellow, or by a TWEN posting.

5.3 **Penalties for Non-Compliance.** Any paper failing to comply with any of these format rules shall receive a deduction from the final grade for the assignment. The Course Instructor or Writing Fellow shall deduct one-quarter point per violation, not to exceed a cumulative one-point deduction on any given project.

Rule 6. Document Retention

6.1 **Retention Requirements.** Students shall retain one clean (ungraded) paper copy of every assignment submitted and the graded copy returned from their Writing Fellow until all grades for the Course are available from the Registrar. The student shall annotate the retained, clean copy with the date and time the assignment was submitted to the student’s Writing Fellow.

6.2 **Retained Documents for Grade Appeals.** Any student wishing to appeal a final grade decision must retain and make available to the LRWA Director the retained, annotated clean copies and the graded copies of all assignments submitted by the student for the Course.

Rule 7. LRWA I Supplemental Rule

The LRWA Rules are supplemented for LRWA I with the following:
Supplemental Rule 1, Header and Signature for Projects\textsuperscript{4}

When submitting a memorandum of law, or any portion of a memorandum of law, to your Writing Fellow, the memorandum will have the following header:

\begin{tabular}{|l|}
\hline
\textsf{MEMORANDUM} \\
To: [INSERT Name of Assignment’s “Senior Partner”] \\
[INSERT Name of Writing Fellow] \\
From: [INSERT Your Blind Grading Number\textsuperscript{5}] \\
Date: [INSERT Date Assignment Submitted] \\
Re: [INSERT the Re as Indicated on the Assignment] \\
\hline
\end{tabular}

For all graded assignments, your Blind Grading Number (not your name) should be used for your signature.

IX. COURSE CALENDAR

The Course Calendar is available as a separate document (on TWEN) and contains the following information:

- class meeting schedule,
- reading assignments,
- project overviews, and
- project due date dates.

\textsuperscript{4} This rule may also be applicable for LRWA II projects and assignments as determined by the Writing Fellow.

\textsuperscript{5} For Pass/Fail assignments insert your name instead of your Blind Grading Number.