COURSE SYLLABUS
Legal Writing and Analysis, Sections 2 and 4
Professor Ryan Lincoln
Fall 2018-Spring 2019

ADMINISTRATIVE

Office: Room 129 Menard
Office Hours: When the door is open and Mondays 1:45-2:45 p.m.
Phone: TBD
E-mail: rlincoln@uidaho.edu

Teaching Assistants:
TBD

Textbooks and Electronic Sources:
A. Required Texts:
   2. The Bluebook: A Uniform System of Citation (Columbia Law Review Ass’n et al. eds., 20th ed. 2015).

B. Recommended Text:

C. Required Electronic Sources:
   1. Interactive Citation Workstation – located at http://icw.lexisnexis.com.

OVERVIEW

You are responsible for knowing the information contained in this syllabus. This includes the requirements of the honor code, the format for assignments, the deadline requirements, and everything else. If you have any questions or if there is anything in here you do not fully understand, please contact me.

This is a five-credit course covering two semesters. The final grade will be assigned at the end of spring semester.

Fall Semester: Students will complete several short legal reasoning and analysis assignments, citation exercises, a “closed” (or unresearched) full legal memorandum, and an “open” (or researched) graded legal memorandum during the fall semester.

1 Syllabus is subject to change.
Spring Semester: Students will complete two major graded assignments during the spring semester: (1) a persuasive memorandum in support of a trial motion, and (2) an appellate brief. In conjunction with the appellate brief, each student will prepare and present an oral argument.

REQUIREMENTS AND GRADING

Your final grade will be calculated using the following formula:

- Open Memorandum: 100 points
- Trial Brief: 100 points
- Appellate Brief: 200 points
- Citation Exercises: 20 points
- Other Assignments: 50 points (20 points for ungraded memo assignments; 30 points for intermediate assignments)
- Professionalism: 30 points

Other Assignments—ungraded fall memo assignments: Your fall ungraded memo assignments (memo numbers 1 through 3 and the email assignment) will be evaluated on the following scale: + (good); ✓ (on track); or – (please try again). You must receive at least either a + (good) or ✓ (on track) score on each of these assignments to receive credit. Students obtaining a – (please try again) will be offered an opportunity to resubmit a revised version of that assignment within one week after that student’s TA/professor conference to earn full credit. (5 points per assignment, for a total of 20 points).

Other Assignments—intermediate assignments: Each intermediate assignment (labelled as “Part A,” “Part B” and so on), plus assignments that are required to be turned in to your TAs, are worth two points total. One point is awarded if the assignment is completed on time and a second point is awarded if the submitted work satisfies the parameters of the assignment (for example, an assignment requiring a student to brief three cases before a conference with a TA would lose a point if the student briefed only two cases but was otherwise turned in on time).

Citation exercises: You will complete assigned citation exercises through the LexisNexis Interactive Citation Workstation (ICW). If you miss more than three problems on any exercise, you must redo the exercise or your effort on that exercise will be considered unsatisfactory. You will lose two points for each assignment that is not completed to satisfaction.

Professionalism and attendance: The professionalism grade for the class is meant to foster the level of professionalism that will be required of you when you enter the practice of law. You will begin the year with 30 points and lose 2 points for any of the following: turning any assignment or exercise in after the set deadline (excluding the three graded papers, which have their own penalties for lateness); missing conferences or class without contacting me regarding the absence; missing more than two classes in one semester absent compelling circumstances; or other professionalism issues.

Deadlines: Deadlines are extremely important in the practice of law and, therefore, they are strictly adhered to in this class. Due dates and times for all assignments are provided on the
assignment schedule. In law school, as well as in law practice, problems can occur, so be sure to give yourself sufficient time to prepare your assignment.

Late papers will be marked down as follows:

- Up to 1 hour late: 5% reduction (5 points subtracted when 100 possible points; 10 points subtracted when 200 possible points)
- 1–2 hours late: 7% reduction
- 2–24 hours late: 10% reduction
- 24–48 hours late: 20% reduction
- More than 48 hours: Assignment will not be accepted unless prior arrangements are made

**Failure to complete a major assignment (the open memorandum, the trial brief, or the appellate brief) will result in an “F” for the entire course.**

Extensions of time for assignments will not be granted absent unforeseeable and compelling circumstances. Computer, printing, and other technology difficulties are always foreseeable.

**Format for Assignments:** Document formats are controlled in the practice of law by court rules, and courts can and do refuse to accept documents that do not comply with their strict rules. Therefore, format requirements are strictly adhered to in this class.

All assignments must be typed on 8 1/2” by 11” white paper, double-spaced without extra space after paragraphs, with a 1” margin on the top, bottom, and each side. Page numbers must be centered in the bottom margin. All assignments must be typed in Times New Roman font, 12-point type. Do not justify the right margin.

Generally, there will be page limitations for assignments. Limit means maximum allowable, not minimum required, and I will ignore any material exceeding the limitation. This may result in a grade reduction.

The three graded assignments must have a cover page that contains, centered on the page from top to bottom and left to right: (1) the title of the assignment; (2) your LRW number (I will tell you how to obtain this when the time is appropriate); (3) my name (Professor Lincoln); and (4) the due date of the assignment. Do not place your name on any of the pages of your graded assignments, including the cover page. The shorter assignments do not need a cover page. For these, place your name in the top right-hand corner of the first page, followed by your subsection identifier (Section 2 or 4).

Unless I specify otherwise, citations within assignments must conform to the requirements of *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass’n et al. eds., 20th ed. 2015). This will not be necessary on the early assignments; I will let you know when you must begin including formal citation format.
Submission of Assignments: For each graded assignment, students will hand in a hard copy to the administration office and electronically file their assignment. If you experience technical difficulties, support staff is available to assist you at 1-800-486-4876. Please do not contact me for technical assistance as it may jeopardize the anonymity of your submission.

LEARNING OUTCOMES

By the conclusion of this course, students will have achieved and demonstrated the following learning outcomes:

1. **Knowledge of Law and Legal Institutions** including (1) the capacity to engage in sophisticated statutory reading, application, and interpretation; and (2) an understanding of appropriate jurisdictions and choice of applicable law.

2. **Legal Analysis and Reasoning** including the ability to (1) identify the legal rules and principles applicable to a given context, (2) identify legally relevant facts, both known and unknown, in a given legal context, (3) identify nature and consequence of ambiguities in the facts in a given context, (4) construct and support an argument grounded in appropriate legal authority and policy considerations, while recognizing and addressing weaknesses thereof; and (5) understand the role of legal research in identifying applicable law and developing analysis and argumentation relevant for a particular dispute.

3. **Oral and Written Communication Skills** including the ability to (1) produce written work that is logically organized, clear and concise, free of grammatical, syntactical, and other formal errors, and reflects an understanding of its audience and purpose; and (2) orally communicate legal arguments effectively and nimbly.

Students will achieve and demonstrate these learning outcomes through the production of (1) several legal memoranda, (2) a trial brief, (3) an appellate brief, and (4) a mock oral argument. The course will utilize textbook readings, intermediate assignments, required conferences with the instructor and teaching assistants, and in-class exercises to facilitate (1) through (4).

CLASS POLICIES

Class management: Attorneys frequently need to take handwritten notes in situations where the use of a laptop is not feasible. Therefore, we will develop this skill in our class. You are not permitted to use laptops during class sessions unless I specifically instruct otherwise for a particular session.

Conferences: There will be mandatory conferences, either with me or with a teaching assistant on most of the assignments that will take place outside of the regularly scheduled class sessions for this course. This means you must attend them at the scheduled time. If an unforeseeable event requires you to miss a scheduled conference, you are responsible for rescheduling them at my or the teaching assistant’s convenience.
Communication: Notices regarding assignments, classes, and changes will occasionally be sent by e-mail. Students are responsible for checking their e-mail on a regular basis, but I will try to keep this to a minimum.

Recording Class Sessions: Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.

Civility: In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Dean of Students (jdodge@uidaho.edu), the University Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (885-6716), or the UI Office of Civil Rights & Investigations (885-4285).

CENTER FOR DISABILITY ACCESS AND RESOURCES (CDAR) REASONABLE ACCOMMODATIONS STATEMENT:

Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by CDAR to Dean Dodge for final approval. CDAR serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without CDAR first submitting a recommendation. You may contact CDAR by:

- Calling 208-885-6307
- Emailing cdar@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at
http://www.uidaho.edu/current-students/cdar. Moscow students may also visit CDAR in suite 127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

**HONOR CODE**

Compliance with codes of professional ethics is a fundamental aspect of being a lawyer. Thus, compliance with the honor code is a fundamental aspect of law school and this course. In particular, Sections III(A) and (B) of the College of Law Honor Code provide in relevant part:

A. **Plagiarism.** No law student shall claim as her/his own original work the research, ideas, or writing of another. No law student shall copy in whole or in part from the work of another without providing clear attribution to the original author. Paraphrasing without acknowledgment of authorship is a form of plagiarism.

B. **Improper Conduct with Respect to a Course.** 1. In preparing work product to be submitted for credit, or to be submitted in connection with a law school academic activity, no law student shall give, solicit, or receive assistance from a source prohibited by the instructor or supervisor of the activity. The law student bears the burden of clarifying with the instructor or supervisor whether any particular action or conduct violates this provision.

**Writing Assignments:** Although students in this section are encouraged to talk among themselves and with teaching assistants about all writing assignments undertaken in the course, students must not discuss the assignments with anyone outside of LWA Sections 2 and 4, including family and students in other LWA sections. For purposes of this course, it is an honor code violation for students to talk to anyone outside LWA Sections 2 and 4 (other than our teaching assistants and me) about the substance of any assignment.

Further, when it is time to put your thoughts on paper, you must work alone. For purposes of this course, it is an honor code violation for any student to request or allow any person (other than our teaching assistants and me), including any other first-year law students, to read, review, edit, proofread, listen to, or comment on any writing produced for any assignment, including drafts and outlines of assignments. This includes academic support and other faculty—no one except teaching assistants and me may look at anything you are writing for this class. Peer review sessions that I organize are the only exception to this rule.

Throughout the semester, we will cover appropriate use of citations to avoid plagiarism. Whenever you use the words or ideas of another writer, acknowledge the original source. Never copy from a court opinion, a law review article, or any other material without citing the source properly. If you use the exact words of a source, use quotation marks in addition to citing the source; if you put another writer’s ideas into your own words, cite the source. If you are unsure about whether or not you are plagiarizing, or if you are having difficulties with an assignment, talk with me before turning in the assignment.
**Citation Assignments:** During the fall semester you will be required to complete a series of citation exercises. Each student must work alone on these exercises unless otherwise directed.

**CREDIT HOURS FOR COURSEWORK**

In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The Course requirements outlined above with respect to materials and assignments, in my professional judgement, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.