

WRITING, RESEARCH, AND TRIAL ADVOCACY

Spring 2021 – Day & Evening Classes

Director: Professor Paula Colby-Clements

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TEXTS:

- (1) LAUREL C. OATES & ANNE ENQUIST, JUST MEMOS (ASPEN 5TH ED.).
- (2) LAUREL C. OATES & ANNE ENQUIST, JUST RESEARCH (ASPEN 5TH Ed.).
- (3) THE BLUEBOOK : A UNIFORM SYSTEM OF CITATION (HARVARD LAW REVIEW ASS'N ET AL. EDS., 21ST ED.).

CLASS DAYS/TIMES: Monday & Wednesday 11:00-12:15 p.m., 1:00-2:15 p.m. & 9:00-10:20 p.m..

SCOPE

In this course, you will be required to draft an inter-office memorandum to a senior attorney and a short memorandum in support of a motion to a court. You will prepare several drafts of each memorandum to allow you to refine your writing and editing skills. You will also argue a portion of a client's case in a mock trial court. At the end of the semester, you will feel confident submitting your final memoranda as writing samples to potential employers; you will also feel confident analyzing and advocating a client's cause. The course will have a final exam where you will need to draft an interoffice memo based on materials provided to you. This is very similar to the writing component on the Uniform Bar Exam ("UBE").

COURSE DESCRIPTION

This course is designed to continue the development of students' legal writing skills as well as building critical reading skills, research skills, and oral advocacy skills. Specifically, students will continue to formulate written rules derived from legal authority, synthesize multiple legal authorities, work on refining IRAC, TRAC, CRAC, or CREAC, organize a written discussion, assess the value of cases as they pertain to a client's legal question, and advocate in a trial court setting.

During the semester students will tackle legal problems starting with client intake at the start of a case, finding legal authority, writing predictive memoranda, and advocating in a trial court setting.

GRADING CRITERIA

The inter-office memos, oral presentation, class participation, and final exam will all contribute to your final grade in this class. When students are presenting cases, they must stand at the podium or at their seat. This class is designed to train students how to handle client problems and argue in a trial court, and you should be fully prepared and act professionally at all times.

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Penalties for late submission: *We will strictly follow all due dates.* We set deadlines for turning in assignments just as courts or partners in law firms do. We will reduce grades by 10 points on papers that are turned in late on the due date. Further, we will reduce your grade by an additional 10 points for each subsequent day the paper is late after the initial due date. We do not grant grace periods.

Potential Points Awarded for Each Assignment:

Assignment	Points
In-Class	50
Closed Memo 1	50
Closed Memo Final	75
Open Memo 1	50
Open Memo Final	75
Client Letter	25
Trial Court Memo	50
Final Oral Argument	10
Final Exam	125
Total	510

Attendance Policy: Students must attend all classes. If a student has more than one unexcused absence, we will lower his or her final course grade by 1/3. Any student who misses an in-class assignment will not be allowed to make it up, unless the student has informed the instructor that he or she will not be able to attend class that day.

ASSIGNMENTS DUE FOR EACH CLASS

Week of January 25th: Understanding the legal system and authority. How do we decide which cases or statutes are most important? What law binds Massachusetts trial courts? How do we rank authority by paying attention to key components in a case (relevance, date, place, court)? What are legal citations?

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Discussion of closed memo problem. How do I identify the legal issue in a client's case after the intake? What is the format of an interoffice memo? How do I read case law with a view towards using that case to analyze a client's legal problem?

Monday: Introduction to Legal Authority

Wednesday: Introduction to bluebook and concept of legal citation.

Assignment of Closed Memo Problem.

In-Class Assignment 1: Draft the Issue for the Closed Memo.

Required Reading: *Just Memos* **Chapters 1-5**

Week of February 1st: Development of the closed memo problem. Who is my audience? How do I write a legal memorandum to a senior partner describing the state of the law and predicting how a judge will apply the law to a client's case? How do I synthesize the case law to create a rule that can be applied to my client's case?

Monday: Discussion of authority for the closed memo. Students will get back In Class 1 with instructor's comments. STUDENTS SHOULD COME TO CLASS HAVING READ ALL CASES ASSIGNED FOR THE CLOSED MEMO AND BE READY TO DISCUSS IN DETAIL.

Wednesday: Continued discussion of authority for closed memo.

In-Class Assignment 2: Synthesis Exercise.

Required Reading: *Just Memos* **Chapters 6-9**, *Just Research* **Chapters 1 & 2**

Week of February 8th: How do I convert an outline of my memo to final memo format? How do I refine the case discussion using IRAC?

Monday: Continued discussion of the closed memo. How do I use the cases to make a prediction? How do I compare and contrast authority? What will my prediction be? Students will get back last Wednesday's synthesis exercise.

Wednesday. *In Class Assignment 3:* Headings and Point Headings For Closed Memo.

Required Reading: *Just Memos* **Chapter 8**

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Week of February 15th:

Monday: *In Class Assignment 4*: Draft the thesis paragraph for the closed memo. Discussion of student outline (Students will get back headings and point headings assignment they did on Wednesday) and final discussion of putting together the closed memo.

Wednesday: **FIRST DRAFT OF CLOSED MEMO DUE AT START OF CLASS. Assignment of Open Memo Problem & WESTLAW TRAINING.**

Required Reading: *Just Memos Chapters 7-12; Just Research Chapters 1-4*

Week of February 22nd: Understanding the law library: Where do I go to find information about the legal implications of my client's problem? Where do I look for the most relevant and binding authority? What resources are available to help me solve my client's problem? How do I select the right authority? How do I identify the legal problem in my client's case? How do I develop a research strategy?

Monday: Conferences: *Students meet with instructors individually to review instructors' comments on first draft of Closed Memo.*

Wednesday: **FINAL DRAFT OF CLOSED MEMO DUE AT START OF CLASS.** Students should bring 2 copies of their memo. One to hand in to the Professor and one to use during the self-editing exercise.
In-Class Assignment 5: Self-editing my legal memorandum.

Required Reading: *Just Research Chapters 5-9*

Week of March 1st: Further Discussion of the Open Memo problem. How do I begin to decide on the authorities I will use in my memo? How do I refine my plan? How do I know if I need to keep looking for authority, or if I have exhausted my research efforts?

Monday:
LEXIS TRAINING

Wednesday: Discussion of Open Memo Problem & Library Tour.
In-Class Assignment 6: Draft the Issue for the Open Memo.

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Required Reading: *Just Memos* – review Chapters 6-8, 10, & 12 and *Just Research* Chapters 5-9

Week of March 8th: Further Discussion of Open Memo Problem.

Monday: Discussion of Open Memo Problem and results of student research.

Wednesday: Discussion of Student Research/Case Presentations.

Required Reading: *Just Memos* review Chapters 6-10 & 12. *Just Research* review Chapters 5-9.

Week of March 15th: *Students must be prepared to present at least three cases a day to the class for the next two weeks of classes; students should have written briefs prepared for all these cases.*

Monday: Discussion of student research/Case Presentations.

Wednesday: Case Presentations.
In-Class #7 Citation Exercise.

Required Reading: Cases students have found through individual research & *Just Memos* – **Review Chapter 13**; read **Chapters 14 & 15**; hand-out on client letters.

Week of March 22nd: Students will continue to present the cases they have found for their open memo. Students will be questioned on critical aspects of the cases, so the class can determine whether the authority is useful to their client's problem.

Monday: Wrap up discussion of open memo and answer any final student questions.
In Class 8: Draft Headings and Point Heading for Open Memo.

Wednesday: **FIRST DRAFT OF OPEN MEMO DUE AT THE START OF CLASS.**

Now that I've predicted the likelihood of success of my client's case, how do I inform the client of my findings? What information should I include in a client letter? What information should I omit from a client letter? How and when do I communicate with clients electronically? What are the advantages and disadvantages of electronic communication? What is proper e-mail etiquette?

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Review materials on client letters; draft client letter and *e-mail to instructor before Monday's class.*

Required Reading: Cases students have found through individual research; *Just Memos*, Chapter 16.

Week of March 29th:

Monday: CLIENT LETTER DUE AT START OF CLASS. **Introduction to the Trial Memo** and format of the Trial Memo.

In-Class Assignment 9: Draft the legal issue before the trial court.

Wednesday: Conferences on First Draft of Open Memo

Week of April 5th: Preparing to transition to documents drafted for courts rather than inter-office memoranda. Editing and refining legal analysis. Discussion of trial memo along with authorities. By this week students should have authority that supports the grounds for their motion. Students should come to class with briefs of the cases they plan to use in the trial memo.

Monday: FINAL DRAFT OF OPEN MEMO DUE AT START OF CLASS.
Continue discussion of Research and Authority for Trial Memo.

Wednesday: Oral Argument Overview, Format of the Trial Memo & Judge's Videos.
In-Class #10: Memo on Lessons from Judge's Video.

Required Reading: Materials on drafting documents to trial courts.

Week of April 12th: Oral advocacy: How do I take the information in my predictive memo and present the authorities to persuade a judge to rule in my client's favor? What is a motion? How do I refine my arguments to focus on the specific issue before the trial court? How do I take the information in my predictive memo and begin to rank and analyze the authority to persuade a judge to hold in favor of my client?

Monday: Preparation for trial court arguments: Practice, practice, practice!

Wednesday: Preparation for trial court arguments: Practice, practice, practice!

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Week of April 19th: Oral Advocacy:

Monday: **No School Patriot's Day**

Wednesday: Oral Argument Practice

Week of April 26th:

Monday: Oral Argument Practice

Wednesday: Oral Argument Practice

Week of May 3rd:

Monday: **Trial Memo Due at the start of class.**

Graded Oral Arguments. Come dressed for Court.

Wednesday: *Graded Oral Argument. Come dressed for court.*

Monday May 10th

Last Day of Class if needed to finish Oral Arguments.