

**WRITING AND LEGAL REASONING**  
***Spring 2022 - Day and Evening Class***  
**Director: Professor Anne Hemingway**

**PRELIMINARY SYLLABUS**

**EMAIL:** [Hemingway@mslaw.edu](mailto:Hemingway@mslaw.edu)

**PHONE:** 978-681-0800 ext. 118

**Required Text:** *The Lawyer's Craft*, Glaser, Lieberman, Ruescher, & Su  
*Just Writing*, Anne Enquist & Laurel Currie Oates (5<sup>th</sup>)

**Recommended Text:** *A Writer's Reference*, Diana Hacker

**CLASS DAYS/TIMES:** Monday & Wednesday 11:00-12:20 p.m.\*, 1:00-2:20 p.m.\* & 7:30-8:50 p.m.

**\*Day students will be assigned to either an 11:00 am class or a 1:00 pm class.**

**\*\*Writing classes are intentionally kept small for an ideal learning environment. You will be assigned a professor before your first class. Your class assignment will be posted to the course TWEN page on Westlaw(<https://lawschool.westlaw.com/twen>). Contact Dan Harayda ([harayda@mslaw.edu](mailto:harayda@mslaw.edu)) or Mick Coyne ([mick@mslaw.edu](mailto:mick@mslaw.edu)) if you have trouble logging in.**

**Please note: The syllabus is subject to change. You will be informed of changes as they occur.**

**COURSE DESCRIPTION**

This course will focus on the needs particular to first-semester law students. Students will be introduced to various skills that are crucial to their legal studies, exam-taking, and writing tasks. Students will work to improve their writing and grammar skills. All writing assignments are based on the content covered in the substantive law courses requiring students to stay current in their reading and studying. Students will receive written feedback and participate in class discussions on each assignment.

**SCOPE**

In this class you will learn how to read and brief a case; effectively outline for papers, exams, and classes; and write in the IRAC formula. You will learn how to read and think critically and analytically. You will learn how to conduct legal analysis and spot legal issues necessary for exam taking and the memoranda and brief writing in subsequent semesters. You will be introduced to rule formulation, rule synthesis, analogical reasoning, and the organization of the discussion section of a legal memorandum.

There will be 8 case briefs, 8 writing skills exercises, 6 in-class writing assignments, and two prepared papers. You will prepare an outline and/or draft for each prepared paper. All these assignments and class participation will factor into your final grade.

## GRADING CRITERIA

**Assignments:** Cases for case brief assignments are in the coursebook or supplemental material for your substantive class unless otherwise stated. Other additional material will be posted under the Course Material or Dropbox on the course TWEN page one week prior to the due date.

**Penalties for Late Submissions: All assignments are due at the beginning of your regular class time on the due date. Submissions after the start of class are considered late.**

Submissions after the start of class are considered late and subject to a 10% grade deduction per day late.

**Every assignment you submit must be your own work, including case briefs, outlines, and papers. Please read the examples of plagiarism and plagiarism warning; submit your signed plagiarism warning on the first day of class. You can find these documents on the course TWEN page under course materials. In addition, please review the MSLAW policy on Academic Honesty.**

**Grading: Your final class grade will be based upon case briefs, writing skills exercises, in-class writings, and two writing assignments. Possible points per assignment:**

**Case Briefs (15 points)**

**Writing Skills Exercises (10 points)**

**In-class writings (15 points)**

**Argument Paper (50 points)**

**Case Analysis (50 points)**

**Attendance Policy: Attendance and class participation is mandatory. If a student has more than one unexcused absence, we will lower his or her final course grade by 1/3.**

There will be no make-up of in-class work granted for any unexcused absence (as determined by the professor). The professor can, however, consider a lack of attendance in determining the final grade, along with any other acts of unprofessionalism, as explained below:

A critical component of practicing law is always acting professionally. Since law school is where you learn to become a lawyer, you should always handle yourself professionally. This includes, but is not limited to, attending class regularly and on time, submitting assignments timely and in the appropriate format, actively participating in class, turning cell phones off *before* class, and not surfing the Internet or using email during class. Also, how you conduct yourself in your interactions— in person and via email—with the professor and others reflects your professionalism.

## ASSIGNMENTS DUE FOR EACH CLASS

**Week 1:** Course overview. Reading and briefing cases.

**Wednesday – January 19<sup>th</sup>**

**Read plagiarism handouts and email signed plagiarism warning to small group professor by the start of class.**

Required Reading and Assignment Due: *The Lawyer's Craft* Chpt. 3 pp 40-58; **Do all exercises pp 58 -62.** Just Writing – Chpt 1, pp 1-21:

**Writing Skills Exercise #1:** Proofreading

**Week 2:** Introduction to Legal Analysis. Review case briefs. Thesis & Topic Sentences. Analyzing Legal Issues

**Monday – January 24<sup>th</sup>** Required Reading and Assignment Due: *The Lawyer's Craft – Chpt. 1 pp 8-15; The Lawyer's Craft – Chpt 2, pp 20 - 34; Do all exercises pp 35 – 38;*

**Case Briefs Due (Contracts):** Kirksey v. Kirksey

**Wednesday – January 26<sup>th</sup>**

Required Reading and Assignment Due: *Just Writing* – Chpt 2 & 3, pp 23-45; Topic sentence/Thesis handouts

**Writing Skills Exercise #2:** Paragraphs

**Week 3:** Introduction to Issue Spotting and IRAC. What is IRAC? How is IRAC used in law school exams?

**Monday, January 31<sup>st</sup>**

Required Reading and Assignment Due: *Just Writing* – Chpt 4., pp 47-61

**Writing Skills Exercise #3:** Paragraph & Sentence Transition

**Wednesday, February 2<sup>nd</sup>**

Required Reading and Assignment Due:

**In-Class Writing #1 (IRAC Practice Take-home)**

**Case Brief #2 Due (Contracts): Alaska Packer's Assoc v. Domenico**

**Week 4:** Review of IRAC and Issue Spotting. Analyzing Arguments. Introduction to Argument.

**Monday, February 7<sup>th</sup> – Analyzing Arguments**

Required Reading: *Materials on TWEN*

**Wednesday, February 9<sup>th</sup> – Introduction to Argument**

Required Reading and Assignment Due: *Just Writing* Chpt 6 pp 91-140; *The Lawyer's Craft* pp 314 -315 and 322 – 326; *Word Choice* Handout Materials on TWEN

**Case Brief #3 Due (Contracts): Langer v. Superior Steel**

**Week 5:** Outlining – Papers, Class Notes, Exams Preparing for and Writing the Law School Exam

**Monday, February 14<sup>th</sup> –**

Required Reading and Assignment Due: Handouts – Creating an Outline for a Law School Course; *The Lawyer's Craft, Ch. 17 pp 293 - 304*

*Just Writing* Ch 8 §§2-3, pp 168-178 Fragments.

**Writing Skills Exercise #3:** Fragments

**Wednesday, February 16<sup>th</sup> –**

**In-Class Writing #2 (Contracts)**

**Case Brief #4 Due (Contracts): Industrial America, Inc. v. Fulton Industries, Inc.**

**Week 6:** Outline Workshop/Editing

**Monday, February 21<sup>st</sup> -**

Argument Paper Outline Due

**Wednesday, February 23<sup>rd</sup> -**

**In-class Writing #3 (Contracts)**

**Week 7:**

**Monday, February 28<sup>th</sup> -**

**Argument Paper First Draft Due**

**Case Brief #5 Due (Torts): Martin v. Herzog**

**Wednesday, March 2<sup>nd</sup> –**

Required Reading: *Just Writing*, Ch. 8 pp 191-200; Modifiers

**Writing Skills Exercise:** Modifiers

**Week 8:** Introduction to sources of law and citations.

**Monday, March 7<sup>th</sup> -**

**Conferences**

**Wednesday, March 9<sup>th</sup> –**

Introduction to binding v. persuasive authority and legal citations

Required Reading and Assignment Due: *The Lawyer's Craft* pp 226 - 229; *Just Writing*: Ch. 9§1 pp 201-217 Commas.

**Case Brief #6 Due (Torts): Perkins v. Texas and New Orleans R. Co.**

**Writing Skills Exercise:** Commas

**Week 9:** Spring Break

**Monday, March 14<sup>th</sup> -**

**SPRING BREAK**

**Wednesday, March 16<sup>th</sup> -**

**SPRING BREAK**

**Week 10:** Analogy and Rule Synthesis

**Monday, March 21<sup>st</sup>**

**Argument Paper Final Draft Due**

Required Reading and Assignment Due: Material/Video Posted to TWEN

**Case Brief #7 Due (Torts):** Baxter v. Ford

**Wednesday, March 23<sup>rd</sup>**

Introduction to the Case Analysis Assignment and the Legal Memorandum.

Required Reading and Assignment Due: *The Lawyer's Craft*, pp 108 -112; *Just Writing*, Ch. 9 §§2-5.3, pp 217 – 232.

**Week 11:** Using IRAC in your Case Analysis.

**Monday, March 28<sup>th</sup>**

Discussion – Case Analysis Assignment

**Case Briefs Due: Cases assigned for Case Analysis**

**Wednesday, March 30<sup>th</sup>**

**Week 12:** Case Analysis Format

**Monday, April 4<sup>th</sup> -**

Discussion – Case Analysis Assignment Continued

**Case Brief #8 Due (Torts): Fletcher v. Rylands**

**Wednesday, April 6<sup>th</sup> -**

Discussion – Case Analysis Assignment Continued

**Week 13:**

**Monday, April 11<sup>th</sup>**

Draft for Case Analysis Assignment Due  
**Self-Editing Exercise**

**Wednesday, April 13<sup>th</sup>**

**In-class Writing #4 (Torts)**

**Week 14:**

**Monday, April 18<sup>th</sup>**

**Patriot's Day No Classes**

**Wednesday, April 20<sup>th</sup>**

**CONFERENCES**

**Week 15:**

**Monday, April 25<sup>th</sup>**

**In-Writing #5 (Torts)**

**Wednesday, April 27<sup>th</sup>**

Final questions regarding case analysis assignment  
Last Day for In-class writing make-up

**Week 16:**

**Monday, May 2<sup>nd</sup> LAST DAY OF CLASS**

**FINAL PAPER DUE**

**In-class Writing #6**