

WRITING AND LEGAL REASONING
SPRING 2024 - Day and Evening Class
Director: Professor Anne Hemingway

UPDATED SYLLABUS 1/4

EMAIL: Hemingway@mslaw.edu

PHONE: 978-681-0800 ext. 118

Office Hours: Mondays 11 am – 12 pm or by appointment

Writing Lab: Drop-in Mondays and Wednesdays 4 pm-6 pm

Required Text: *The Lawyer's Craft*, Glaser, Lieberman, Ruescher, & Su
 Just Writing, Anne Enquist & Laurel Currie Oates (6th)

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

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

Students are responsible for bringing handouts to class. All handouts are on the course TWEN page (<https://lawschool.westlaw.com/twen>), and select **Writing and Legal Reasoning**.

****Writing classes are intentionally kept small for an ideal learning environment. You will be assigned a professor during your first class. Your class assignments will be posted to the course TWEN page on Westlaw(<https://lawschool.westlaw.com/twen>). If you need help logging in, contact Dan Harayda (harayda@mslaw.edu) or Mick Coyne (mick@mslaw.edu).**

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

COURSE DESCRIPTION

This course is designed to address the needs of first-semester law students. In addition to improving your writing and grammar skills, you will learn various skills crucial to your legal studies, exam-taking, and writing tasks. You will begin by learning how to conduct legal analysis and spot and analyze legal issues that will benefit you in exam taking and the memoranda and brief writing you will do in subsequent semesters. You will become proficient in briefing cases and writing in the IRAC formula.

COURSE REQUIREMENTS:

Grading: Your final class grade will be based on case briefs, quizzes, in-class writings, three prepared papers, and a final exam. Possible points per assignment:

Case Briefs (2 x 10 pts)	20 pts
Writing Skills Exercises (only 4 will count)	40 pts
In-class Writing (6 x 15 pts)	90 pts
Outline	25 pts
Analysis Paper (IRAC)	25 pts
Inter-office Legal Memo First Draft	50 pts
Inter-office Legal Memo Final Draft	75 pts
Final Exam	100 pts

Total:	425 pts
---------------	----------------

Attendance Policy: Students must attend all classes. If a student has more than one unexcused absence, we will lower their final course grade by 1/3.

No make-up of in-class work will be granted for any unexcused absence (as determined by the professor). The professor can, however, consider a lack of attendance and lack of class participation 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 on time and in the appropriate format, actively participating in class, turning cell phones off *before* class, and not surfing the Internet or using e-mail during class. Also, how you conduct yourself in your interactions—both in person and via e-mail—with the professor and others reflects your professionalism.

Assignments: Cases for case brief assignments are in the coursebook for your substantive class unless otherwise stated. Other supplemental material will be posted under the Course Material on the course TWEN page. Check TWEN for every class.

Late Policy: Assignments are due **at the beginning of your regular class time** on the due date. Any assignment submitted late will have 10% of the total possible points deducted per calendar day (including the day it is due if not turned in at the beginning of class.)

Every assignment you submit must be your work, including case briefs, outlines, and papers. Please read the syllabus, plagiarism handouts, and plagiarism warning; submit your signed plagiarism warning on the first day of class. All documents are located on the course TWEN page under course materials. Please review the MSLAW policy on Academic Honesty.

ASSIGNMENTS DUE FOR EACH CLASS

Week of January 15th: Course overview. Plagiarism. Reading and Briefing Cases.

Wednesday: Case Briefing and Proofreading

Writing Skills Exercise: Proofreading

Required Reading and Assignment Due: Syllabus. Plagiarism materials on TWEN. *The Lawyer's Craft*, Ch. 3, pp 40-58. *Just Writing* Ch. 1, pp 1-21. Case Briefing and Proofreading Materials on TWEN.

Week of January 22nd: Reading and Briefing Cases Continued. Introduction to Legal Analysis. Analyzing Legal Issues. Thesis and topic sentences.

Monday: Case Briefing continued. Introduction to Legal Analysis.

Wednesday: Analyzing Legal Issues. Students will receive last week's graded writing skills exercise for review. Thesis and topic sentences.

Case Brief #1 Due(Contracts): Langer v. Superior Steel

Writing Skills Exercise: Paragraphs

Required Reading and Assignment Due: *The Lawyer's Craft*, Ch.1, pp 8-15 & Ch. 2, pp 19-38; *Materials on TWEN*. *Just Writing*, Ch. 2 & 3, pp 21-41.

Week of January 29th: Introduction to Issue Spotting, Rule-Based Reasoning, and IRAC.

Monday: Introduction to Issue Spotting. Students will receive last week's graded writing skills exercise for review.

Wednesday: Rule-Based Reasoning and IRAC.

Writing Skills Exercise: Paragraphs and Transition Sentences

Required Reading and Assignment Due: *Just Writing* Ch. 4, pp 43-56. Materials/Video on TWEN.

Week of February 5th: Continuation of IRAC. Outlining – Papers, Class Notes, Exams. Preparing for Exams.

Monday: Students will receive last week's graded writing skills exercise for review. Continue IRAC and issue spotting.

In-Class Writing #1: Torts IRAC.

Wednesday: Discussion of outlining for papers, classes, and exams and preparing for law school exams. Assign Torts outline.

Writing Skills Exercise: Passive Voice

Required Reading and Assignment Due: *The Lawyer's Craft*, Ch. 17 pp 293 – 304; Materials on TWEN – Read: Article – *Creating an Outline for a Law School Course*. *Just Writing* Ch. 1, §1.2 and Ch. 5, §5.1-5.5 Effective Sentences.

Week of February 12th: Statutory Analysis

Monday: Students will receive last week's writing skills exercise to review the instructor's comments. Introduction to statutory analysis.

Writing Skills Exercise: Concision

Wednesday: **In-Class Writing #2:** Contracts IRAC.

Case Brief #2 Due (Torts): Martin v. Herzog

Required Reading and Assignment Due: *The Lawyer's Craft* Ch. 5 pp 79-98. *Just Writing* Ch. 6 Effective Words. Materials on TWEN.

Week of February 19th: Analogy-Based Reasoning. Analysis Paper (IRAC).

Monday: Students will receive last week's graded in-class writing for review. Expanding IRAC – using case law to analyze by analogy. Students will be assigned the Analysis Paper.

Wednesday: Students will receive last week's graded case brief for review. Discussion of Analysis Paper (IRAC) and comparing facts.

Required Reading and Assignment Due: *The Lawyer's Craft* – Ch. 4, pp 63 -77. *Just Writing* Ch. 5, §5.7.

Week of February 26th: The Legal Memorandum

Monday: Discussion of Analysis Paper (IRAC) and comparing facts continued.

In-class Writing #3: Torts IRAC

Wednesday: Introduction to the legal memorandum and writing a legal proof.

Analysis Paper Due

Writing Skills Exercise: Fragments

Required Reading and Assignment Due: *The Lawyer's Craft*, Ch.6. and Ch. 7 pp 115 -136.
Just Writing Ch.9 §§1&2.

Week of March 4th: Rule Synthesis

Monday: Introduction to rule synthesis – deriving one rule from multiple cases.

Wednesday: Assignment of inter-office legal memorandum first draft.

In-class Writing #4: Case Brief

Required Reading and Assignment Due: Articles/Video Posted to TWEN.

Week of March 11th: SPRING BREAK

Week of March 18th: The Question Presented and the Conclusion

Monday: Discussion – cases assigned for the inter-office legal memorandum.

Case Briefs: Students should read and brief the cases for the inter-office legal memorandum assignment. Bring briefs to class for discussion.

Wednesday: Students will receive last week's graded in-class writing with feedback for review. Writing the question presented and the conclusion.

Torts Outline Due

Required Reading and Assignment Due: *The Lawyer's Craft*, Ch. 8 pp 145 -155. Read the inter-office legal memorandum assignment. Students should read and brief the cases for the legal memorandum. Material on TWEN.

Week of March 25th: Legal Authorities and Citations

Monday: Discussion – the inter-office legal memo continued

In-Class Writing #5: Torts IRAC.

Wednesday: Introduction to binding v. persuasive authority and legal citations.
Continued discussion of the cases for the legal memorandum.

Required Reading and Assignment Due: *The Lawyer's Craft* Ch 12.

Week of April 1st: Thesis/Umbrella Paragraph

Monday: Students will receive last week's graded in-class writing with feedback for review. Writing the thesis/umbrella paragraph.

Wednesday: Discussion – the inter-office legal memo continued

Writing Skills Exercise: Modifiers

Required Reading and Assignment Due: *The Lawyer's Craft*, Ch. 8 pp 145-157. Materials on TWEN. *Just Writing*: Ch. 9, §9.6.

Week of April 8th: Headings and Subheadings

Monday: Headings- section headings, major/minor headings, and subheadings.

Wednesday: Final discussion on the inter-office legal memo

Writing Skills Exercise: Commas

Required Reading and Assignment Due: Material on TWEN. *Just Writing*: Ch. 10, §10.1 -10.3.

Week of April 15th:

Monday: PATRIOTS' DAY – No class

Wednesday: Self-Editing Exercise – bring a printed copy of your first draft of your inter-office legal memorandum.

Inter-office Legal Memorandum -First Draft Due

Week of April 22nd:

Monday: In-Class Writing #6: Contracts IRAC.

Wednesday: TBD – Final Exam Review

Week of April 29th: Conferences Preparing for Finals/Wrap up.

Monday: Conferences

Wednesday: Conferences. Final questions regarding the legal memorandum assignment
Last Day for In-class writing make-up.

Week of May 6th:

Monday: Final Exam

Final Draft Legal Memorandum Due