



MASSACHUSETTS SCHOOL OF LAW at ANDOVER

Writing and Legal Advocacy, Summer 2024

Pota Kaldis, Assistant Dean

Please send me an email when you register: pota@mslaw.edu

<https://www.mslaw.edu/faculty/professor-paula-kaldis/>

Course Objectives:

1. Learning to write clearly and effectively as an advocate before the court.
2. Becoming proficient in the use of legal research tools and methods.
3. Learning computer aided legal research and using computers for drafting legal papers.
4. Becoming competent in persuasive legal writing, citation form and legal analysis.
5. Developing persuasive skills in oral advocacy by arguing before the trial and appellate courts.
6. Learning to balance Advocacy, Civility and Responsibility to the court.

Course Competencies:

- Know how to consistently apply TRAC.
- Know what relevant facts are and how to use them when writing an argument by analogy.
- Know how to construct a written argument.
- Know proper legal citation format.
- Know what a standard is and how the trial courts and appellate courts apply standards.
- Know the authority of the court.
- Know how to do computer-aided legal research.

Course Description:

This class emphasizes one-on-one teaching and learning. Students act as junior attorneys in a law firm and work on one case, researching and drafting a memorandum in the trial court and then preparing the appellate brief and the oral argument. There is hands-on training in finding the law to evaluate and address their clients' situations. There will be ten graded small assignments as preparation for the court documents. Students will rewrite, edit, do further research, and then resubmit before the document is submitted to the court. In addition to teaching persuasive writing, this course reinforces the substantive law that is tested on the bar examination as well as current courses the students take as second year students, such as Constitutional Law, Criminal Law, Family Law, and Evidence. At the conclusion of the semester all students are considered for the Writing & Legal Advocacy Competition, where finalists compete for Best Advocate and Best Brief.

Grades:

The final grade is based on in-class writing, (30%) prepared court documents, (50%) and oral argument (20%) at the conclusion of the course.

TWEN: This course uses TWEN for all course materials and Assignments. TWEN will be available to add as soon as the Registration process is complete and there are enough students enrolled to run as a summer course.

Deadlines: All assignments must be submitted by e-mail and/or hard copy the day it is due. Failure to meet this deadline will result in a ten percent (10%) penalty per day.

Plagiarism & other unethical conduct: This course promotes cooperation among attorneys working on a client's case, therefore, it is expected that students will research and collaborate on legal strategy. They will not, however, write together, and will not use legal or other sources without proper reference. As future attorneys who will become officers of the court, students in this class will be held to the highest standards.

ASSIGNMENTS AND CLASS TOPICS

Wednesday, 5/29

Today's class: Course introduction.

- 1.) Course objectives and requirements.
- 2.) Differences between office memorandum and memorandum for a trial court.
- 3.) Role of the attorney as advocate, advisor, and officer of the Court.
- 4.) ***Writing assignment 1 – draft the question before the trial court.***

Monday, 06/03

Today's class: Reviewing the facts, researching your client's case.

- 1.) Go over assignment 1.
- 2.) Assignment of sides.
- 3.) Review relevant facts.
- 4.) ***Writing assignment 2 – reading with a purpose.***

Wednesday, 6/05

Today's class: Working on TRAC analysis: Argument by Analogy.

- 1.) Analyze relevant facts and legal issue(s) before the trial court.
- 2.) Draft research plan: Library exercise.
- 3.) Finding pertinent legal authorities for the trial court memorandum.
- 4.) Using cases that define the legal standard.
- 5.) ***Writing assignment 3: Legal Standard.***

Monday, 06/10

Today's class: review legal standards, format of memorandum

- 1.) Format of the Memorandum in the Trial Court.
- 2.) Checklist and sample memorandum.
- 3.) Go over assignment 3, Legal standard.
- 4.) ***Writing Assignment 4: TRAC.***

Wednesday, 6/12

Today's class: Drafting the argument, editing and citation.

- 1.) Citation exercise.
- 2.) *Writing assignment 5* – citation.
- 3.) Last minute questions regarding memorandum.

Monday, 06/17

Today's class: Introduction to Trial Court Oral Advocacy.

- 1.) Memorandum in the trial court due.
- 2.) Trial court oral argument practice.
- 3.) *Writing assignment 6* – judge's decision.

Week 4

Wednesday, 06/19

Today's class: Working on the second draft; becoming a critical reader to be a better writer.

Students review graded drafts of memos with their small group professors.

Trial Court Oral Advocacy. Assignment 7 - Students finish practice oral arguments in the trial court.

Vacation

APPELLATE ADVOCACY – SECOND SESSION

Monday, 07/8

Today's class: Introduction to Appellate Advocacy.

- 1.) Appellate brief Assignment.
- 2.) Appellate Brief Rules and format.
- 3.) Discussion of the Court's Authority and Standard of review.
- 4.) *Writing assignment 8* – appellate issues.

Wednesday, 07/10

Today's class: Outline of Argument.

- 1.) Discussion of the issue(s) before the appellate court.
- 2.) Research discussion.
- 3.) *Writing assignment 9* - organizing the argument through point headings.

Monday, 07/15

Today's class: Appellate Oral Advocacy.

- 1.) ***First draft of Appellate Brief is due - Argument section only.***
- 2.) Discussion of Oral Argument Rules.
- 3.) Choose issues and partners for final.
- 4.) Oral argument practice.

Wednesday, 07/17

Today's class: Review argument and begin constructing brief.

- 1.) Students review their first draft of the appellate brief, argument section, with their small group professors, and discuss construction of entire brief.
- 2.) ***Assignment 10*** – Oral Argument Practice.

Monday, 07/22

Today's class: Practice Arguments.

1.) ***Second draft of appellate brief due - Complete Brief.***

This brief should contain all the required provisions, from cover page to addendum.

- 2.) Oral Argument Practice.

Wednesday, 07/24

Today's class: Putting together the final brief.

Students review second draft of appellate brief.

Oral Argument Practice.

Monday, 07/29

Today's class: Final briefs due. Last oral argument practice.

Wednesday, 07/31

Final Oral Arguments.