

LEGAL ANALYSIS, RESEARCH, & WRITING LL.M. in the Law of the United States

COURSE MANUAL - LAW 605 Section 329G

FALL 2017

Foreword

Welcome to the University of Baltimore School of Law, the LL.M. Program in the Law of the United States, and the Legal Analysis, Research & Writing (LARW) Course.

Although we recognize that you are all professionals with distinguished legal educations and careers, the analysis, research, and writing skills required by American law practice are likely to be very different from those you have already mastered. Accordingly, we require one semester of LARW to earn the LL.M. degree.

You will find that this is a rigorous course, requiring many hours of work. We hope that you will find most of the work enjoyable – particularly the major writing assignments – but some of it will involve drills and exercises. This is the most efficient way to master the required research and citation skills you will need to practice law in this country.

Many people are ready to help you with this course. Several people and centers will be introduced to you during orientation. Feel free to email me whenever you wish regarding any aspect of this course.

Your teaching assistants, who took similar courses in their first year will teach research and citation skills. Please call on them for help in those areas.

Working with LL.M. students is always a rewarding experience. We look forward to spending a productive semester with you.

Course: LLMUS LARW I
LAWG 605
Section 329G

Instructor: Nicole M. Whitaker, Esq.
Office Hours: Before & After Class
Phone: 410-207-3924
Email: nicole@whitaker-legal.com

Days/Time: M/W 3:30pm – 4:45pm

Location: Room assignments are available through MyUB.

Course Description:

Legal analysis, research, and writing skills will be developed through course-work that includes critical case reading, analysis and briefing; common law principles and processes; factual analogy and distinction; rule synthesis and application; objective/predictive writing (office memo); case law and statutory research, print and electronic; citation form; and professional norms and ethics. Prerequisite: None

Course Materials:

Course Manual downloaded from TWEN or Law School website

The Bluebook: A Uniform System of Citation (19th ed.)

Tracy L. McGaugh, et al., *Interactive Citation Workbook for the Bluebook* (2014 ed., LexisNexis).

Recommended: **Do not buy any recommended texts until after the first day of class.**

Richard K. Neumann, Jr. & Sheila Simon, *Legal Writing* (2nd ed.)

A legal dictionary, such as: *Black's Law Dictionary* (Bryan A. Garner, ed.), or Bryan A. Garner, *A Dictionary of Modern Legal Usage*.

A legal stylebook, such as: Texas Law Review, *Manual on Usage & Style*; Richard C. Wydick, *Plain English for Lawyers*; Bryan Garner, *The Elements of Legal Style*; Mary Barnard Ray & Jill J. Ramsfield, *Legal Writing: Getting It Right and Getting It Written*; Terri LeClercq, *Guide to Legal Writing Style*; Ann Enquist & Laurel Currie Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer*; or Ian Gallacher, *A Form and Style Manual for Lawyers*.

A guide to law school exams, such as: Richard Michael Fischl & Jeremy Paul, *Getting to Maybe: How to Excel on Law School Exams*; John C. Dernback, *Writing Essay Exams to Succeed (Not Just to Survive)*; or Charles C. Calleros, *How to Take Law School Exams: Preparation, Attitude, and Success*.

Student Learning Outcomes:

Students who successfully complete the LLMUS LARW course will be proficient in their ability to:

1. Understand the federal and Maryland state judicial systems.
2. Research and analyze case law and statutory law.
3. Apply law to factual contexts, for the purpose of solving hypothetical legal problems.
4. Organize and draft legal memoranda.
5. Develop and articulate sound legal arguments.

Grades:

You will receive a grade of A, B, C, E in LARW. Your three writing assignments will be worth roughly 60% of your LARW grade: 10%, 20%, and 30%, respectively. Your analysis assignments – case briefs and analysis exam – will be worth 15% of your grade; your research and citation exercises and research exam will be worth 25% of your grade.

All of your analysis and research will be graded pass/fail by your Teaching Assistants; they will also grade your research and analysis examinations, and your citation exercises. Your Writing Professor will grade all of your writing assignments.

Course Expectations:

American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

Attendance:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

Course Website:

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

Computers:

Students may use laptop computers for class related purposes.

Class Cancellation:

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Academic Integrity:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law.

Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

Title IX Sexual Misconduct and Nondiscrimination Policy:

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy:

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

Assignments:

Class 1

Introduction of course, texts, syllabus

Discussion of citation assignments

Introduction to case briefing

Assignment due: Read *On Reading and Briefing Cases* (available on TWEN, Law School website, or from the Writing Professor by email) and maxi brief for *Thomas v. Winchester*

Class 2

Case briefing

Citation basics

Evolution of law through precedent

Maxi-brief for *Loop v. Litchfield* due at the beginning of class

Class 3

Continue case analysis *Losee v. Clute*

Maxi-Brief on *Losee v. Clute* due at the beginning of class.

Class 4

Read and prepare to discuss *MacPherson v. Buick*

Maxi-Brief on *MacPherson v. Buick* due at the beginning of class.

Analysis exam preparation

Research discussion: headnotes, courts, and problem sets

IC Workbook Chapters 1-3, questions 6-10 for classroom discussion

Class 5

Read and prepare to discuss *Halliday*
Prepare for Analysis Exam.

Maxi-Brief on *Halliday* due at the beginning of class.

Class 6

Introduction to Memo 1 Assignment (available on TWEN site)
Read and prepare for discussion of Memo #1 writing assignment
Review IRAC/CREAC.

Class 7

IC Workbook, Chapter 4

Download first writing assignment via TWEN (memo #1) available after the exam (6pm)

Class 8

Review for Analysis Exam.
Discussion of Memo #1

Class 9

Analysis Exam.

Class 10

Discussion of Memo #1

Class 11

IC Workbook Chapter 5, questions 6-10. Class discussion

Class 12

Discussion of Memo #1.

Class 13

ICW Exercises Set 1 (Chapters 1- 5, Questions 1-5) Due
ICW Chapter 6, questions 6-10 for class discussion

Class 14

Discussion of memo #1

Class 15

ICW Chapter 7, questions 6-10 for class discussion

Class 16

Computer Assisted Legal Research instruction from LexisNexis

Class 17

ICW Chapter 8, questions 6-10 for class discussion
MEMO #1 REWRITE ASSIGNED

Personal conferences sign-up

MEMO 1 DUE; Submitted to TWEN not later than 3:30pm; paper copy submitted to Professor at the beginning of class.

Class 18

Computer Assisted Legal Research instruction from Westlaw

Class 19

ICW review Chapters 6, 7, 8 questions 6-10.

Class 20

Continue work on Memo 1 Rewrite.

Class 21

IC Workbook exercise set 2 (Chapters 6, 7, 8, questions 1-5) due

ICW Chapter 11, questions 6-10, for class discussion

ICW Chapters 11, 12, 13, questions 1-5, **Due Class 27**

Class 22

Introduction to Memo 2

MEMO 2 ASSIGNED

MEMO 1 REWRITE DUE; Submitted via email attachment by 4:30pm.

Class 23

ICW Chapter 12, questions 6-10 for class discussion

ICW Chapters 11, 12, 13, questions 1-5, Due Class 27

Class 24

Discuss Memo 2 and researching progress

Class 25

ICW Chapter 13, questions 6-10 for class discussion

Research Exam Preparation

Class 26

Discuss Memo 2, identification and organization of distinguished and analogous cases, standards-based format of Discussion section

Class 27

Final discussion of Memo 2

Organization and depth of memo sections, review of predictive writing

Research Exam Review

Class 28

Research Exam

ICW Exercise Set 3 (Chapters 11, 12, 13, Questions 1-5) Due

MEMO 2 DUE – November 27, 2017

Submitted to Writing Professor via email no later than 6pm

Course Objectives

The Legal Analysis, Research & Writing course is designed to guide LL.M. students in learning the essential analytical, research, and writing skills they will need to succeed in an American law school, on the bar examination, and in American practice.

By the end of this course, students should have learned to understand the legal system of the United States; analyze facts, issues, and legal authorities; conduct legal research efficiently in print and electronic sources; communicate effectively in writing and orally; recognize and address professional responsibility issues; appreciate the varying roles of the lawyer, from analyst to advocate; and apply their knowledge and skills to solve legal problems.

Citation Exercises:

Each student will also complete three sets of citation exercises. These exercises will come from McGaugh, Hurt, *Interactive Citation Workbook for the Bluebook* (ICW). The citation exercise sets will be due on three successive dates as indicated in the syllabus. ***These exercises must be done individually; there will be no collaboration on citation exercises.***

Although your TA will spend some time discussing citation, most of the citation instruction this semester will be self-directed. Therefore, you should read the *Interactive Citation Workbook* and begin working on the questions a long time before they are due. The exercises contain a total of 55 questions, so if you wait until the night before they are due to start working on them, you will not be able to complete them.

ICW exercises may be submitted in typed hard copy rather than via the LexisNexis website. This option must be discussed in advance with the TA and Writing Professor. Any written submission must be typed in 12 point, Times New Roman font. Written submissions follow the same due dates as electronic submissions.

You may submit your answers on line through the Interactive Citation Workstation 2014 in Lexis. You access the Interactive Citation Workstation from its web site:

<<http://icw.lexisnexis.com>>

From that page, click on the tab for “*Bluebook*,” register using Option 1, Registered LexisNexis Law School Users, and follow instructions. You will need a Lexis password to use this option. Enter your name and e-mail address. **Enter your teaching assistant’s e-mail address** as the “Primary Professor’s E-mail” **and** “Secondary Professor’s E-mail.” No one other than your TA should receive your ICW exercises.

Once you have registered for the Workstation, select the exercise you want to complete. Select the question number you want to complete, and follow the instructions on the screen. When you are finished, click Quit to return to your work later or Done if you have completed the assignment. **You are strongly encouraged to write your answers in hard copy before you enter them in the Workstation (or at least to write them down contemporaneously) – just in case.**

When you finish an exercise, a report of your score will automatically be e-mailed to your TA. You will also see a summary of your results. You must print this summary for each ICW exercise. On the due date for each set of exercises, you must submit the summary printouts to your TA at the beginning of your class meeting. We require paper back up for all ICW exercises in the event of technical difficulties. If you do not submit hard copies on time, your work will be considered late *even if your TA received the e-mailed score reports before the deadline*. Late ICW exercises will not be accepted, so it is very important that you print your score reports and submit them in a timely fashion.

You may complete the on-line exercises at any time, and you may submit printed summaries for each set of exercises before the due date. You may not, however, submit each printed summary separately. Printed summaries for the assigned sets of exercises must be stapled together and submitted at one time to your TA.

Memorandum and Rewrite Assignments:

Memoranda are submitted either electronically or on paper, or both. You will receive further instructions on submitting copies; they must be turned in not later than 4:45 p.m. on the day they are due. Late papers will be penalized.

The paper copy must be printed on white, 8½- by 11-inch paper; must be double-spaced; must use a 12-point Times Roman or equivalent font; and must have margins of one inch all around. Double spacing is defined as three lines of type per inch. Page limits will be strictly enforced, just as they are in the courts. Staple all pages together in the upper left-hand corner only, and do not use plastic, cardboard, or other covers. Number all pages.

In the case of an emergency – not inconvenience – you may be able to stop the clock. While emergency procedures will vary depending on the nature of the problem, they will **always require a telephone call** to your Writing Professor or to Professor Easton. In any case, failure to submit either the paper or electronic copy will rarely be excused.

Honor Code:

The law school's honor code, promulgated and administered by the student body, is an important part of life at the University of Baltimore and an important reminder of the high standards of conduct demanded of members of the legal profession.

Two important issues need to be addressed here: collaboration and plagiarism.

Although much of your law practice after you graduate will be collaborative in nature, we have found over the years that students develop basic legal skills more successfully when they do certain required tasks independently. We wish to emphasize, however, that we have found independent work valuable only in these limited circumstances and only in these introductory skills courses.

With respect to the rest of your classes, we strongly urge you to consider collaborating as much as possible by discussing the cases you are reading with your fellow students and by reviewing your course work with classmates. Many students find it helpful to form and meet regularly in a study group. Throughout law school and in the practice of law, you will learn a great deal from regularly conferring with your colleagues.

For this semester, the specific application of the law school's honor code to the assignments you will submit is as follows:

Case briefs and other analysis assignments may be discussed with your TA and your WP. Before they are submitted, you may not discuss the substance of the analysis assignments with any other person. After they have been submitted, we encourage you to discuss and review the cases with your fellow students.

The analysis examination must be done independently, using course materials and class notes only.

Unfortunately, the research exercises seem to incite a little unauthorized collaboration every year – even though you are permitted to work with a partner. So fair warning: unauthorized collaboration (here or elsewhere) is an honor code violation, and we will consider identical incorrect answers among non-partners to be prima facie evidence of unauthorized collaboration. The penalties far outweigh any conceivable benefit. Law graduates have been denied admission to the bar for academic integrity violations in law school. Professional responsibility is an important part of your life from the first day of law school forward.

Interactive Citation Workbook (ICW) exercises may not be discussed with any person before the due date. You are to complete these exercises entirely on your own.

You may freely discuss your initial memorandum assignments (Memo 1 and Memo 2) **only in class and with your Writing Professor**. Your TA has been asked not to discuss them with you, but you may work with the writing specialists at the University's Academic Resource Center.

After you have received instructions for revising your first memoranda and your personal conferences have been completed, you may freely discuss the substance and style of the memoranda rewrites with other members of your section. You are not permitted to discuss the substance of the memoranda with other students, faculty, or attorneys. You may read your revised memoranda to non-attorney spouses, other relatives, or friends to test for clarity of expression, but you may not obtain professional writing or editing assistance.

If you have any questions concerning collaborative work, ask your WP **before** beginning your collaborative work.

The portions of the Honor Code most pertinent to your participation in the Legal Skills Program are the following:

III. PROHIBITED CONDUCT

The following conduct shall constitute a violation of this Code:

1. Plagiarism. Plagiarism includes the copying of the language, structure, ideas or thoughts of another and representing the same as one's own original work. . . .
2. Any cheating on an examination or test or on any academic assignment or competition. Cheating includes the actual giving or receiving of any unauthorized assistance or unfair advantage on any form of academic work. . . .
3. Misuse of any library materials, by intentionally marking, hiding or damaging them, or by removing them from the library without authorization by the library staff.
4. Use of another student' or professor's books, class notes or other study materials without that person's consent.
5. Intentionally depriving another student, temporarily or permanently, of that student's books, class notes or other study materials. . . .
8. Intentionally giving another student false or inaccurate information about class assignments, study materials, notes or other class requirements.
9. Knowingly discussing an examination not yet taken with another student who has taken that test or examination. . . .
10. Knowingly discussing an examination already taken with either: a) another student who has yet to take that examination, or b) anyone, if a reasonable person should know that a student who has yet to take the examination could overhear the conversation.
11. Intentionally misrepresenting class attendance or falsifying attendance reports.
12. Failure, on reasonable belief that another student has violated this code, to report this violation either to the professor of the relevant course, the Dean's Office, or to the Preliminary Review Panel.

A further word about plagiarism: When you use someone else's words, use quotation marks and a citation (footnote or otherwise). If you fail to use quotation marks, you are plagiarizing, even if you use a proper citation. If you paraphrase extensively, and your inadequate citation leaves any ambiguity as to what and how much you have borrowed, you are plagiarizing. If you have any questions about plagiarism, read the pamphlet at <http://lwionline.org/publications/plagiarism/policy.pdf> produced by the Legal Writing Institute. The law school subscribes to services that compare student work to the Internet and other electronic databases for plagiarism.

DON'T EVEN THINK OF PLAGIARIZING. THE CONSEQUENCES OF GETTING CAUGHT (AND, INCREASINGLY, THE CERTAINTY) FAR OUTWEIGH ANY POSSIBLE ADVANTAGE YOU MAY REALIZE.