

Seminar: Written Advocacy for Litigators
Spring 2010
Professor Lonny Hoffman

This three-hour credit seminar, which satisfies the UHLC writing requirement, is an advanced course of study in written advocacy for litigators. It is intended for students who wish to improve their persuasive writing skills, especially for civil litigation practice. Students will be evaluated on their written work and in-class participation. Enrollment is limited to fifteen students.

We will talk in our first class about basic strategies for approaching a problem that calls for a written answer/analysis. Students then have a few weeks to work up a first draft. These first drafts will then be exchanged in advance of the next class where students and the instructor provide feedback on the initial work. The immediate goals of this first exercise are (i) dissection of good approaches to answering and analyzing the problem; (ii) comparative study of student work; and (iii) developing suggestions and a strategy plan for further refinement. Second drafts will then follow, with further feedback, along similar lines, at a more advanced stage of development. The longer range ambition of this course is to be support improved written advocacy.

There is no casebook for the course. The instructor will distribute a packet of reading material. There is no final examination. Grades are based on the work completed during the semester and on class participation. In the past, the effect of taking class participation into account has been that the final grade of some students was increased by one-third of a letter grade, though in some instances the increase was greater. It is possible that a student's grade can be reduced for failure to participate.

Regular class attendance is required by the school's academic rules and, in any case, is essential to a coherent understanding of the course. I reserve the right to lower a final grade and/or take any other appropriate disciplinary action necessary, if it is determined that a student is absent from more than 20% of the scheduled classes.

For the Spring 2010 semester, we will focus on federal notice pleading. Thanks to several recent U.S. Supreme Court decisions, the subject is currently one of the most important in pretrial litigation. Although it is not yet clear to what extent, if any, dismissal rates have increased as a result of the Court's recent decisions, what is certain is that defendants are routinely challenging the sufficiency of the plaintiff's allegations and courts are being forced to grapple with the applicable legal standard.

Specifically, the assignment is for students to write the substantive argument section of an appellate brief to the United States Court of Appeals, Third Circuit in *Guirguis v. Movers Specialty Services, Inc.* In your course packet, I have included the district court's decision granting the defendant's Rule 12(b)(6) motion, as well as the appellate brief that the plaintiff's lawyer actually filed with the Third Circuit.

In addition to meeting as a group on the dates listed below, I will meet with each of you in my office periodically throughout the semester to go over your individual drafts. Times for these meetings will be scheduled as the semester proceeds.

Group Class Schedule:

First class: **Tuesday, January 10** – I will go over the assignment with you in detail and we will discuss the problem for the semester. In advance of this class, you should read the district court’s *Guirguis* decision, and the plaintiff’s appellate brief in the case.

By **Thursday, February 4**, students will work up an initial draft of plaintiff’s appellate brief and email this draft to me, as well as to your partner (assigned to you the previous class meeting).

Second class: **Thursday, February 11** - We will then meet again on Thursday, February 11. During this class, students will exchange feedback about drafts.

By **Thursday, March 4**, students will work up a second draft of their work, based on feedback received, and email this draft to me, as well as email it to your partner (assigned to you the previous class meeting).

Third Class: **Thursday, March 12** - We then meet again on Thursday, March 12, just before spring break. During this class, students will exchange feedback about drafts.

By **Thursday, March 25**, students will work up a third and final draft of their work, based on additional feedback received, and email this draft to me, as well as email it to your partner.

Final Class: **Thursday, April 1**.