

# **LAWYERING SKILLS AND STRATEGIES II**

PROFESSOR LAUREN SIMPSON

SECTION E-2 • SPRING 2014

## **A. Words of Advice for LSS II**

I have the same words of advice for the spring semester as I did for the fall:

- Strive to start early and to get ahead on your assignments for the spring.
- The more effort that you put into this course, the more that you will get out of it. The more developed your submitted assignments are, the more feedback I can give on them. I have also provided optional assignments on TWEN that can be used to sharpen your skills (and I am happy to give feedback on any of these that you complete).

## **B. Course Objectives**

Lawyering Skills and Strategies II will focus on further developing the underlying skills and strategies that lawyers must possess to succeed within the American legal system. By working through problems inside and outside of the classroom, you will continue to refine, and you will add to, the legal-research, analysis, writing, and citation skills you learned last semester. More specifically, you will learn and practice the art of persuasion in advocating for your client—whether with your client’s opponent or to a trial or appellate court. You will learn how to research Texas legislative history. And you will practice advanced citation skills, including those based on *The Greenbook*. You will also be introduced to mediation. In all matters, you will be expected to uphold the ethical and professional standards of a lawyer-in-training.

## **C. Office Hours and Contact Information**

If you have any questions about the course or class assignments, please feel free to ask me. I will have office hours on Mondays and Thursdays from 4:00 p.m. until 6:00 p.m. and by appointment. My office is located in Room 14C-BLB, adjacent to the Lawyering Skills and Strategies office suite. Any changes to the regularly scheduled office hours will be announced by email. My office phone is 713-743-2159, but I prefer for students to contact me through my office email, which is [lsimpso@central.uh.edu](mailto:lsimpso@central.uh.edu), or on my cell phone, the number for which you already have. Any changes to my regularly scheduled office hours will be announced by email and posted on the TWEN calendar for your section.

## D. Class Attendance and Absences

Your class is held on Thursdays from 7:30 p.m. to 9:30 p.m. in Room 240 TU2. Occasionally (e.g., due to official holidays or to accommodate guest speakers), your section and Section E-2 will be combined into one class for the week, which may occur on a Monday evening. These or any other changes to the regularly scheduled meeting time and location for the class are reflected in the syllabus or will be announced by email and posted on the TWEN calendar for your section.

In accordance with the Law Center's attendance rules, you may miss no more than **three** scheduled classes or mandatory class activities. On the **fourth** absence, you must report to Dean Sondra Tennessee (the Associate Dean for Student Services), where the matter of dismissal will be taken under advisement. If you are not in the classroom or other specified location within ten minutes after the class or presentation is scheduled to begin or if you come unprepared to participate, I reserve the right to count you absent.

## E. Course Materials

Following are the texts for the spring semester:

- Tracy L. McGaugh & Christine Hurt, *Interactive Citation Workbook for The Bluebook: A Uniform System of Citation* (2011 ed.) ["ICW"]
- *The Bluebook: A Uniform System of Citation* (19th ed. 2010) ["Bluebook"]
- *The Greenbook: Texas Rules of Form* (12th ed. 2010) ["Greenbook"]
- Kamela Bridges & Wayne Scheiss, *Writing for Litigation* (1st ed. 2011) ["Bridges & Scheiss"]

Unless otherwise instructed, please bring (1) your laptop to every class; (2) your Westlaw, Lexis, and Bloomberg Law passwords to every class; and (3), starting with Class 9, your Bluebook, Greenbook, and ICW Workbook to every class.

## F. Graded Assignments

Curve and Grade Distribution: UHLC requirements set the average of grades in this LSS class between 2.8 and 3.2. A mandatory grade distribution also applies to this class.

Graded Assignments: Subject to participation in the John Black Moot Court Competition Educational Rounds and any other grade adjustments covered in this Course Information Sheet, your final grade is comprised of the following:

1. **Demand letter (10% of your final grade)**—due at or before 6:00 p.m. on Monday, February 3, 2013.

2. **Appellate brief (70% of your final grade)**—due at or before 6:00 p.m. on Monday, April 7, 2013.
3. **Final exam (multiple-choice format; open Bluebook and Greenbook; 20% of your final grade)**—administered on Monday, April 27, 2013, from 7:30 p.m. to 8:30 p.m.

One of the skills you need to master in law school is how to budget and to manage your time. If your graded demand letter or appellate brief is turned in after 6:14:59 p.m. on the due date, I may deduct the following points for each hour (or part of an hour) that the graded demand letter or appellate brief is late:<sup>1</sup>

- *Graded demand letter*: 2 points
- *Graded appellate brief*: 4 points

*If your graded demand letter or appellate brief is submitted after 11:59:59 p.m. on the due date, I will not accept it, and your course grade will be an “F.”* If your final grade this semester is an F, you will be required to repeat this course.

If you are ill or are otherwise unable to turn in your graded demand letter or appellate brief on time, you must notify me in writing prior to the due date to seek an extension. *I will consider extensions for true emergencies only.* As non-exhaustive examples, computer problems (including printer problems), internet problems, routine illnesses, and job-related matters do *not* constitute emergencies. (I include job-related matters as non-emergencies simply to be fair to all students because each of you carries a heavy work load at his or her job.)

Please note that the Law Center uses a blind-grading system to ensure fairness in grading. Your name should not appear anywhere in or on your graded demand letter, your graded appellate brief, or your final examination. Instead, you will be assigned and must use an exam number each semester. Your spring exam number is different from that assigned to you in the fall. *You are responsible for obtaining your spring exam number before the first graded assignment (the demand letter) is due on February 3, 2014.*

## **G. Ungraded Assignments**

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<sup>1</sup> For example, a graded demand letter that is turned in after 6:14:59 p.m. but by or before 7:14:59 p.m. on the due date is subject to a 2-point deduction. A graded demand letter that is submitted after 7:14:59 p.m. on the due date is subject to a 4-point deduction: 2 points for the hour spanning from 6:15 p.m. to 7:14:59 p.m., and 2 more points for the hour starting at 7:15 p.m.

Writing Assignments: Throughout the semester, I will assign a number of ungraded writing assignments that you must complete to my satisfaction. Any work product that, in my judgment, does not reflect a good-faith effort may have to be redone to an acceptable standard within a prescribed time; additionally, I may require a rewrite or “redo” because the assignment needs further work. The course syllabus generally indicates the time by which each assignment is due on the indicated due date. I reserve the right not to review or to give feedback on any ungraded assignment turned in late without my prior permission.

Citation Exercises:

- *Interactive Citation Workbook (“ICW”) exercises:* To help you practice your Bluebook citation skills, I will assign certain ICW exercises, which may be accessed at <http://www.lexisnexis.com/icw/>. Be sure that you do the Bluebook exercises, not the ALWD exercises. ICW Problems should be completed by the end of the day on the due date. Please email your ICW results to me at [lsimpso@central.uh.edu](mailto:lsimpso@central.uh.edu). If you experience any technical difficulties accessing or completing the problems, please contact me or LexisNexis for assistance.
- *Texas-citation exercises:* I will post a Texas-citation (Greenbook) exercise on TWEN, under the link “Citation,” as an MSWord document. Please complete this exercise within the exercise document and email your answers to me in MSWord or WP format (but *not* in PDF format) by the indicated deadline.

I will not deduct from your final grade if you do not complete one or more citation exercises. However, it is impossible to do well on the final, graded citation examination (or to cite well enough for law practice and scholarly writing on a journal or law review, for that matter) if you do not practice legal citation. This means that those who do not complete the citation exercises will simply not do well on the graded citation examination and will not be fully prepared for scholarly writing, clerkships, etc. Moreover, I use my students’ citation-exercise answers as a diagnostic tool: if students do not do the citation exercises, I cannot see where they need help, and I cannot help them improve their citation skills. Therefore, all students should complete the citation exercises in a timely fashion.

Mandatory round of the John Black Moot Court Competition: You must participate in one “educational” round of the John Black Moot Court Competition, which requires you to argue your appellate-brief topic in a simulated oral-argument format. Although this oral argument is not worth any points toward your semester grade, *if you do not make a good-faith effort to present your oral argument in the John Black competition educational round, you will receive an “F” in the class.* Participation in subsequent competitive rounds of the John Black competition is strictly voluntary. *However, attendance at the John Black Finals on Friday, April 18, 2014, is mandatory, and failure to attend will count as one class absence.*

Class Preparedness and Participation: If you are unprepared for class or do not participate in class, I reserve the right to reduce your final course grade up to a maximum of one grade level.

## **H. Submission and Formatting Guidelines for Assignments**

Except for citation exercises, your graded and ungraded assignments will be submitted through TWEN, under the “Assignment Drop Box” specified for that assignment.<sup>2</sup> Assignments may be submitted on TWEN in WordPerfect, MSWord, or PDF format. If the assignment is graded, you must obtain your spring 2014 semester student exam number (which you will use in lieu of your name because of UHLC’s blind-grading policy) before you may access the relevant Assignment Drop Box or submit your work product there. All assignments that you submit must conform to these specifications:

1. Use Times New Roman or Courier 12-point type on white 8 ½ x 11 paper.
2. Double-space each assignment and use one-inch margins on all sides.
3. Place page numbers in the bottom center of each page, beginning page numbering on page two.
4. Staple your paper in the top, left corner (for hard-copy submissions only).
5. Print only on the front of each page, i.e., no double-sided submissions (for hard-copy submissions only).
6. Conform to all other requirements stated in the assignment sheet for each assignment.

## **I. Web Course**

We will again be using a TWEN web course. However, your section has a new web course under my name on TWEN for the spring semester: “Lawyering Skills and Strategies II S2014—Section E-2.” You must register for this new TWEN web course (which you may do starting January 6). The spring web course password is the same as that for last semester. You will be responsible for reading any material that I post on TWEN. You should ensure that the email address that you use for the spring TWEN web course remains current.

## **J. Honor Code**

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<sup>2</sup> At the time that I distribute a graded assignment, I will always specify at least one alternative method of submission (e.g., hard-copy or email submission to an administrative assistant, to preserve your anonymity), should you experience technical difficulties that prevent your submitting your graded assignment through TWEN. *Any such alternative submission method, however, is subject to the same deadlines as a TWEN submission.*

The Honor Code applies to this class. *You are responsible for complying with the Honor Code and for knowing its provisions:* <http://www.law.uh.edu/student/HONORCODE.pdf>. Please ask me if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations.

### **K. Computer Use and Other Disruptions**

In accordance with the Law Center's computer-use policy, located at <http://www.law.uh.edu/student/Handbook.pdf>, I prohibit computer use in class for anything other than completing activities that I direct, taking notes, or accessing previous notes or materials for my class, unless otherwise directed by me. Similarly, to avoid disrupting the class, unless I give you permission, please turn off your cell phone and similar devices and avoid talking with your colleagues during class.

### **L. Legal Writing Center**

Remember that you may obtain free, individual tutoring at the Legal Writing Center, located in room 14D BLB, just next door to the LSS suite and near my office. Several outstanding third-year law students staff the Center. They will be able to help you with basic grammar skills, proper English usage, and sentence and paragraph construction. The tutors will answer your questions on legal writing, research, and citation for ungraded assignments or in general—although they may not assist in any way with graded assignments. You may schedule appointments with the Center's tutors by emailing [C.LawLegalWritingCenter@central.uh.edu](mailto:C.LawLegalWritingCenter@central.uh.edu) or calling 713-743-0759. Walk-ins are also welcome.