

**WRITTEN ADVOCACY FOR LITIGATORS:  
COURSE DESCRIPTION AND SYLLABUS  
Spring 2019  
Professor Lonny Hoffman**

**Course Overview and Learning Outcomes**

This three-credit course, which satisfies the Upper Level Writing Requirement, is meant to help students gain a sharper understanding of their writing tendencies and develop better writing skills and habits. It is especially suited for those who expect to become civil litigators. Over the semester, students will prepare multiple drafts of several short writing assignments and receive feedback from the instructor on each draft. The class meets on Mondays and Wednesdays from 2:30-3:45 p.m. There is no casebook to buy for this class. The instructor has prepared course materials that will be available just before the semester begins.

**Summary of Assessment (i.e., Grading) Methods**

There is also no final examination. Students will be evaluated primarily on their written work. In-class participation could improve a student's final grade by one-third of a letter grade (e.g., B+ to A-). It is possible (though rare) for a student's grade to be reduced for failure to participate. Attendance is required both for regular class meetings and for all separate meetings that are scheduled with the instructor to discuss drafts of the student's work. The instructor may lower a final grade and/or take any other appropriate disciplinary action that is necessary if a student is absent from more than 20% of the scheduled classes and individual meetings.

**ANTICIPATED CLASS SCHEDULE**

Class Date	Subject Matter	Reading Assignment
Jan 14	Introductory class meeting to begin discussing articles on writing.	In advance of this class, read: <ul style="list-style-type: none"><li>• Matthewson, <i>Law Students Beware</i></li><li>• Oettle, <i>Eschew Exaggerations</i></li><li>• Evans, <i>Tips for Writing Less Like a Lawyer</i></li><li>• Bench Brief in <i>Adams v. Alon</i> (both versions)</li></ul>

Jan 16	Continue discussing writing strategies	<p>In advance of this class, read:</p> <ul style="list-style-type: none"> <li>• Plaintiff's Response in <i>Washington v. La Marque</i> (both versions)</li> <li>• Gopen, <i>A Micro-Journey</i></li> <li>• <i>Adnon Syed v. State</i> annotated brief</li> <li>• Guberman, <i>25 Ways to Write Like John Roberts</i></li> <li>• <i>Jones v. Flowers</i></li> <li>• Introduction to Plaintiffs' Reply Brief in Children's Rights case</li> <li>• Self-Evaluation Questions</li> </ul> <p>In advance of class, rewrite Introduction to Plaintiffs' Reply Brief in <i>Children's Rights</i> case. Bring your rewrite to class (no need to turn anything in to me in advance)</p>
Jan 23	Continue discussing writing strategies and discuss student assignment for <i>ATA v. FedEx</i> .	<p>In advance of this class, read:</p> <ul style="list-style-type: none"> <li>• Pitts &amp; Bennett, <i>Just Do It</i></li> <li>• Gopen, <i>The Style Proclaims the Lawyer</i></li> <li>• Georgetown Writing Center, <i>Concise is Nice</i></li> </ul>

		<ul style="list-style-type: none"> <li>• Mandamus Standard brief</li> <li>• <i>ATA v. FedEx</i>; Fed. R. App. P. 35 and 7th Cir IOP XXVIII</li> <li>• Written Advocacy Assignment: <i>ATA v. FedEx Contract Enforceability/Erie Problem</i></li> </ul> <p>In advance of this class, rewrite section of mandamus brief on “Mandamus Standard.” Bring your rewrite to class (no need to turn anything in to me in advance)</p> <p>Complete assignment in <i>ATA v. FedEx</i> on Contract Enforceability/<i>Erie Problem</i>, and email to me (<a href="mailto:lhoffman@uh.edu">lhoffman@uh.edu</a>) by 5:00 pm on Friday, Jan 25</p>
Jan 28	Class meeting to discuss Contract Enforceability/ <i>Erie</i> assignment	Discuss student assignments in <i>ATA v. FedEx</i>
Jan 30	Invited speakers to discuss writing strategies	<p>In advance of this class, read:</p> <ul style="list-style-type: none"> <li>• Read Guberman, <i>Judges Speak Out</i></li> <li>• McElhaney, <i>The Plain Truth</i></li> <li>• Salzwedel, <i>Eschewing Comfort Words</i></li> <li>• Sparkes, <i>Speaking of Elephants</i></li> <li>• Cooney, Plain Language, <i>Acronymious</i></li> <li>• Guberman, <i>Legal Writing: How to Write for Partners</i></li> </ul>

Feb 4	Invited speakers to discuss writing strategies	In advance of this class, read Fantastic Sams documents
Feb 6, 11, 13	No group class meetings these days. Students working on first drafts of Motion for Summary Judgment for Fantastic Sams problem. Individual meetings with professor.	Written Assignment: First drafts of summary judgment motion for Fantastic Sams due by email to professor and student's assigned partner by 5:00 pm Feb 15
Feb 18	Discuss first drafts of Motion for Summary Judgment in Fantastic Sams problem	<p>In advance of this class, read:</p> <ul style="list-style-type: none"> <li>• Skim briefs in Vergara, MA v. EPA, and Dallas Mavericks, and come prepared to point out persuasive features in each</li> <li>• Georgetown Writing Center, <i>Emailing Professionally</i></li> <li>• Hazelwood, <i>Emails to Clients</i></li> <li>• Two examples of Client Communications</li> <li>• Scheiss, <i>Writing for Your Client</i></li> </ul>
Feb 20, 25, Feb 27, Mar 4, 7	No group class meetings these days. Students working on revised draft of Motion for Summary Judgment for	Written Assignment: Revised drafts of summary judgment motion for Fantastic Sams due by email to professor and student's assigned partner by 3:45 pm Mar 8

	Fantastic Sams problem. Individual meetings with professor.	
Mar 11-15	Spring break	Spring break
Mar 18	Discuss revised drafts of Motion for Summary Judgment in Fantastic Sams problem	<p>In advance of this class, read:</p> <ul style="list-style-type: none"> <li>• Gopen, <i>A New Approach; Misconceiving</i></li> <li>• Gopen, <i>The Importance of Stress</i></li> <li>• Gopen, <i>How to Overburden</i></li> <li>• Gopen, <i>Controlling Crowded</i></li> <li>• Gopen, <i>Important: Avoid</i></li> <li>• Guberman, <i>Secrets of</i></li> </ul>
Mar 20	Discuss <i>City of Houston v. Towers Watson</i> assignment	<p>In advance of this class, read:</p> <ul style="list-style-type: none"> <li>• Gray, <i>The Appellate Record: Font Advice</i></li> <li>• Romig, <i>Checklists</i></li> <li>• Order in <i>Belli v. Hedden Enterprises</i></li> <li>• Brief of Bob Kohn as <i>Amicus Curiae</i></li> <li>• <i>City of Houston v. Towers Watson</i> Materials</li> </ul>
Mar 25, 27, Apr 1, 3, 8	No group meetings these days. Students meet individually with professor to discuss revised drafts of response.	Written Assignment: First draft of Plaintiff's Response to Motion to Stay in <i>City of Houston v. Towers Watson</i> due to professor and student partner by 9:00 am April 8

Apr 10	Discuss first drafts of brief on <i>City of Houston v. Towers Watson</i>	No additional reading
Apr 15, 17, 22 and 24	No group class meetings. Students working on revised draft of briefs on <i>City of Houston v. Towers Watson</i> . Individual meetings with professor.	Written Assignment: Revised response brief in <i>City of Houston v. Towers Watson</i> due to professor and student partner on April 24 by 3:45 pm.

### **Non-Academic Support**

Finally, I want to pass along some thoughts about non-academic support options available to you. Law school can be stressful for many reasons. But you aren't alone if you are dealing with stressful issues, no matter how big or small they may feel. At the Law Center, in the broader university, and through the State Bar, there are a number of different sources of support if you need it.

1. Of course, you are always welcome to come see me. But, if you'd rather talk to someone else, Dean Sondra Tennessee in Student Services is another resource. She's been helping students for many years. She's located in the Office of Student Services, across from the student commons. Her email is [stennessee@central.uh.edu](mailto:stennessee@central.uh.edu); her phone is (713) 743-2182.

2. The university's Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html).

3. Finally, the State Bar has an amazing group called Texas Lawyers Assistance Program (TLAP; web address is <https://www.tlaphelps.org/>) that provides confidential help. Students can call (24 hours a day/7 days a week) to get help with mental health and substance abuse issues. The number is (800) 343-8527.