

Lawyering Skills and Strategies – Fall 2020

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Zoom Open Office Hours: Mondays 2 – 5 p.m.

<https://uhlc.zoom.us/j/99201123205>

Course Objectives: Day in and day out, lawyers wield words like weapons. They do so primarily in written form – not oral. In this class we will focus on improving your legal writing skills. This will serve you well as you prepare to write your law school exams; create a writing sample to obtain summer employment; and, ultimately, begin legal practice. But you will find that legal writing is unlike most writing you have done before. In addition to using proper grammar and appropriate style, legal writing is highly analytical. As you engage in the legal writing process, you will therefore find that writing is, in fact, thinking. So, in the immortal words of Yoda, “unlearn what you have learned.”

Successful legal writing depends upon a quick and dirty first draft, followed by a significant revision process. A first draft alone – no matter how well written – is *never* going to be enough.

In practice you will review another’s work as often as you write your own. If you become a better reviewer – capable of assessing both the content and style of another’s work – you will become a better writer. The reverse is also true. It is a symbiotic process you will continue to develop over the course of the next two semesters, throughout your law school career, and – believe it or not – well into practice. Practically speaking, then, what does this mean for you right now?

Over the course of this class we will engage in robust peer review activities. These will likely *not* resemble peer edits you have done in the past. Rather, the activities will require that you rethink the purpose, goals, audience, and ideas of the work you are reviewing and, in doing so, more fully understand the work you have been asked to write. Think about the optimal *legal* writing process as roughly 20% writing, 30% review, and a full-on 50% revision. No less an authority than Justice Louis Brandeis eloquently said, “There is no great writing, only great rewriting.” I have planned our syllabus accordingly, and I will be mindful of your time.

This semester, expect to master the following objectives:

1	Understand the sources, hierarchy, and precedential value of laws.
2	Distinguish different types of legal rules, dissect legal rules into their basic components, and synthesize a unified rule of law from disparate sources.
3	Identify issues applicable to the client’s case.
4	Effectively execute on-line legal research and select appropriate authority to address issues in the client’s case.
5	Understand and apply case precedent to the client’s case.

6	Understand and apply enacted law to the client's case.
7	Translate legal research and analysis into objective writing that is organized effectively; conveys all relevant and required substance clearly and concisely; and omits extraneous matters.
8	Understand and apply legal citation proficiently using <i>Bluebook</i> and <i>Greenbook</i> citation formats.
9	Master grammar and punctuation commonly used in legal documents.
10	Understand the nexus between substantive law, procedure, legal skills, and ethics.

Course Materials: Please rent or purchase the following textbooks and resources for this course:

- Christine Coughlin, et al., *A Lawyer Writes: A Practical Guide to Legal Analysis* (3rd ed. 2018) – fall semester only.
- *The Bluebook: A Uniform System of Citation* (21st ed. 2020) *or* the online version, available for purchase at <https://www.legalbluebook.com> – both fall and spring semesters.
- *The Greenbook: Texas Rules of Form* (14th ed. 2018) – both fall and spring semesters.
- Eli Review, **three-month subscription**, available at <https://elireview.com/> for \$12.50.

In lieu of the Barris textbook, which I recommended (but did not require) in earlier versions of the syllabus, I have learned of another, similar resource available for free. You can access it [here](#).

Grading | Honor Code | Late Submissions: The purpose of this course is to teach you to use doctrinal law in a practical setting. Accordingly, I will calculate your grade based on written work product produced in response to assignments that mimic tasks you will encounter in practice. I will also test you on citation skills and your mastery of legal grammar. Your grade will be determined based on your performance of the following tasks:

	Due Date	Final Grade
Analyzing Authorities, IR+ & Citation Assessment	September 17; In-Class	15%
IRAC, Research & Citation Assessment	October 22; In-Class	15%
Legal Memorandum Discussion Section	November 1, 11:59 p.m	10%
Legal Memorandum Final Draft	November 15, 11:59 p.m.	40%
Client Email	November 25, 11:59 p.m	20%

To avoid the appearance of impropriety, I prefer to grade this course anonymously. The UHLC Honor Code (<https://www.law.uh.edu/student/HONOR-CODE-AND-PROCEDURES.pdf>) applies. If you are ill or otherwise unable to turn in an assignment on time, please request an extension, in writing, before the assignment's due date. Assignments turned in late without a prior extension will result in a grade reduction.

Contact Information | Open-Door Policy: I LOVE meeting with students outside of class and consider it an important part of my job. Please do not hesitate to come by and see me to discuss

LSS, your career plans, your course schedule, or whatever is on your mind. I will hold office hours Mondays from 2:00 – 5:00 p.m. on Zoom (<https://uhlc.zoom.us/j/99201123205>), but I am happy to see you at other times by appointment either online or in person. You can find me in the LSS Suite, 15-BLB, located in the basement near the Commons. If you need to contact me, please email me first at kbrem@central.uh.edu, or call me at (713) 743-5945.

Attendance Policy | Class Administration: Students must attend 80% of the classes taught. In other words, you may miss no more than five scheduled classes. Mandatory outside-of-class activities are scheduled classes. You may attend class in person or via Zoom. If you attend via Zoom you must turn your camera on (unless you obtain prior permission from me), and you must remain muted unless you are speaking or I ask you to unmute yourself.

Whether you attend class in person or via Zoom, you are expected to be prepared to discuss the lecture material that I assign for each day of class. I will call on you at random. If you will not be prepared for class, please let me know by email (kbrem@central.uh.edu) before class.

Face Covering Policy: To reduce the spread of COVID-19, the University [requires face coverings](#) on campus including classrooms for both faculty and students. Face coverings must cover your mouth and nose and be worn throughout the class session. A mask with a valve is not considered an adequate face covering and should not be used, as it can expel exhaled air, increasing the risk to others. Eating or drinking during class is discouraged and is not an excuse for removing the face covering for any extended length of time. For additional information on the use of face coverings, please see [Face Covering FAQs](#). Failure to comply with the requirement to wear a face covering in class will result in your being asked to leave the classroom immediately and a disciplinary referral through the Dean of Students Office. Requests for accommodations relating to the face covering policy may be directed to the [Center for Students with DisABILITIES \(CSD\)](#).

Required Daily Health Self-Assessment: Your presence in class each session means that you have completed a daily self-assessment of your health/exposure and you are NOT exhibiting any [Coronavirus Symptoms](#); have NOT tested positive for COVID-19; and have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19. If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see [COVID-19 Diagnosis/Symptoms Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19.

Recording of Class: Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without my advanced written consent. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform.

I will record classes, and post links to these recordings on the class web course as soon as they are available from Zoom. You may use these recordings for your own studying and notetaking purposes, but you are not authorized to share them with *anyone* without my prior written. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action

Class Web Course: I will maintain a course website on The West Education Network (“TWEN”). You should have access to this web course at orientation, when you receive your Westlaw credentials. When you register for LSS, please use an email address you check regularly. I will communicate with the class via email through TWEN.

Accessibility | Accommodations: UHLC is committed to ensuring that all students enjoy equal access and full participation. If you require support services, please contact Samanth Ary, Academic Records Coordinator. Ms. Ary’s office is in the Office of Student Services suite. She can be reached at sary@central.uh.edu or (713) 743-7466. Requests for accommodation that involve graded assignments should be directed to Ms. Ary as soon as possible to allow adequate time to process the request.

Preferred Pronouns. I want to address each of you in a manner that corresponds to your identity. Feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronouns, or if you have concerns about how your classmates or I address you.

Student Resources: The University of Houston offers Counseling and Psychological Services (CAPS) to 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) 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 available at convenient locations and hours around campus http://www.uh.edu/caps/outreach/lets_talk.html.

The Texas Lawyers’ Assistance Program (TLAP) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP’s website includes a page with links to resources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>. Check it out.

Legal Writing Center: An excellent resource for free individual tutoring is the Legal Writing Center. The Center is staffed with successful second- and third-year law students – our “Writing Fellows” – who can help you with legal writing, legal research, citation, and style and usage questions. Assistance differs by LSS professor, but my students may use the Legal Writing Fellows for limited assistance on graded assignments. The Fellows can answer specific questions about

- sentence and paragraph structure;
- grammar and punctuation; and
- citation format.

The Fellows cannot proofread your papers; they will only address specific questions from you. The Fellows also cannot answer questions about content or structure. Please direct these questions to me.

You can schedule an appointment with a Legal Writing Fellow by emailing C_Law_Legal_Writing_Center@Central.UH.EDU.

Syllabus: Please consult the attached course syllabus detailing reading for each class, assessment dates, and writing assignment due dates. Please complete all reading assignments *before* coming to class.

Depending on the needs of the class, and the changing nature of the COVID-19 pandemic, I may change this syllabus as the semester progresses. I will notify you of any changes to the syllabus in writing, by email, through the class web course.

Professor Brem

§C1 Syllabus

[Zoom Link](#)

Unit	Reading/Assignments♦	
1 (face to face) Boot Camp: An Introduction to Legal Analysis and Legal Writing Aug 26 – 27	<i>Learning Objective:</i> - Understand the sources, hierarchy, and precedential value of laws. - Translate legal research and analysis into objective writing that is organized effectively; conveys all relevant and required substance clearly and concisely; and omits extraneous matters.	
	1	Analyzing Authority & IRAC as a Formula for Legal Analysis: Before coming to your first class, complete the First Day Assignment attached to this syllabus.
	2	More on Authority & IRAC as a Formula for Legal Analysis; Introduction to Legal Memoranda and Client Emails Read Coughlin, pp. 3–10; 33–43. <i>Optional Reading:</i> - If you struggle to understand the concepts of stare decisis and hierarchy of authority, read Coughlin, pp. 15–31. - If you would like additional instruction on effective case briefing techniques, read Coughlin, pp. 45–59.
2 (asynchronous) Work on these exercises at your own pace but complete them BEFORE Sept 17.	<i>Learning Objective:</i> Understand and apply legal citation proficiently using Bluebook and Greenbook citation formats.	
	1	Citation: Case Law – Federal Cases (including short form) Read Coughlin, pp. 133–39. Read Dionne Anthon, <i>The Bluebook Uncovered</i> (2020), available at http://dionneanthon.com/bbu/bbu21.html, pp. 3 – 11; 15 – 55; 175 – 79 (except pages about Public Domain Format). Consult TWEN for additional lecture materials.
	2	Citation: Case Law – Texas Court of Appeals Cases Read the Interactive Citation Workbook for <i>The Bluebook: A Uniform System of Citation</i> Texas (posted on TWEN). Consult TWEN for additional lecture materials.
3 (face to face) Deep Dive: I-R-C of IRAC	<i>Learning Objectives:</i> - Identify issues applicable to the client’s case. - Distinguish different types of legal rules, dissect legal rules into their basic components, and synthesize a unified rule of law from disparate sources.	

♦ Complete required reading and assignments **before** coming to class.

Sep 2 – 16	• <i>Understand and apply case precedent and enacted law to the client's case.</i> • <i>Translate legal research and analysis into objective writing that is organized effectively, conveys all relevant and required substance clearly and concisely, and omits extraneous matters.</i>	
	1	Identifying Legal Issues: I of IRAC Read Coughlin, pp. 61–91.
	2	Concluding Legal Analysis: C of IRAC Read Coughlin, pp. 93–97.
	3	Synthesizing & Explaining Legal Rules: R of IRAC/Re of CReAC Read Coughlin, pp. 99–132.
	4	More on the R of IRAC/Re of CReAC
	5	IR . . . + Citation: Putting It All Together
In-Class September 17		Assessment: Analyzing Authorities, IR+ & Citation (15%)
4 <i>(asynchronous)</i> Legal Research Legal Citation Sep 23 – Oct 1	<i>Learning Objectives:</i> • <i>Effectively execute on-line legal research and select appropriate authority to address issues in the client's case.</i> • <i>Understand and apply legal citation proficiently using Bluebook and Greenbook citation formats.</i>	
	1	Research: Secondary Sources Consult TWEN for additional lecture materials.
	2	Research: Primary Sources of Law – Case Law Consult TWEN for additional lecture materials.
	3	Research: Primary Sources of Law – Enacted Law Consult TWEN for additional lecture materials.
	4	Citation: String Citations; Signals & Parentheticals; Enacted Law (including short form) Read Anthon, pp. 61 – 79; 151 – 66; 179; 211 – 14; 219 – 27. Consult TWEN for additional lecture materials.
5 <i>(face to face)</i> Deep Dive: The A-C of IRAC Oct 7 – Oct 21 Legal Memorandum Writing Assignment Distributed Oct 15.	<i>Learning Objectives:</i> • <i>Identify issues applicable to the client's case.</i> • <i>Distinguish different types of legal rules, dissect legal rules into their basic components, and synthesize a unified rule of law from disparate sources.</i> • <i>Understand and apply case precedent and enacted law to the client's case.</i> • <i>Translate legal research and analysis into objective writing that is organized effectively, conveys all relevant and required substance clearly and concisely, and omits extraneous matters.</i>	

	1	Applying Legal Rules to Client Facts: Rule Based & Analogical Reasoning Read Coughlin, pp. 141–61.
	2	Applying Legal Rules to Client Facts: Counter-Analysis & Policy More on Concluding Legal Analysis Read Coughlin, pp. 163 –77; 179–84; 185–92.
	3	Applying Legal Rules to Client Facts: Statutory Analysis Read Coughlin, pp. 193–209.
	4	Large-Scale Organization: Introducing and Connecting Legal Arguments: Read Coughlin, pp. 211 – 27.
	5	Deep Dive: Effective Roadmaps and Point Headings
In-Class October 22		Assessment: IRAC, Research & Citation (15%)
6 <i>(face to face)</i> Legal Analysis: Putting It All Together Oct 28 – Oct 29	<i>Learning Objectives:</i> • Translate legal research and analysis into objective writing that is organized effectively, conveys all relevant and required substance clearly and concisely, and omits extraneous matters. • Master grammar and punctuation commonly used in legal documents. • Understand and apply legal citation proficiently using Bluebook and Greenbook citation format.	
	1	Editing Your Work: Substantive Edits & Transitions Read Coughlin, pp. 259–72.
	2	Editing Your Work: Sentence Level Edits & Legal Grammar Read Coughlin, pp. 272–80; Anthon, pp. 191 – 204, 257 – 61.
Sunday, 11:59 p.m. November 1		Legal Memorandum Discussion Section Due (10%)
5 <i>(asynchronous)</i> Writing the Legal Memorandum Nov 4 – Nov 5	<i>Learning Objectives:</i> • Translate legal research and analysis into objective writing that is organized effectively, conveys all relevant and required substance clearly and concisely, and omits extraneous matters. • Understand the nexus between substantive law, procedure, legal skills, and ethics.	
	1	Legal Memo Summaries: Questions Presented & Brief Answers Legal Memo Summaries: Conclusion Read Coughlin, pp. 229–44 and 255–57. Consult TWEN for additional lecture materials.

	2	Legal Memo Substance: Statement of Facts Read Coughlin, pp. 245–53. Consult TWEN for additional lecture materials.
Nov 9 – Nov 13		
Individual Conferences to Discuss Memorandum		
Sign up on TWEN beginning November 7. I will return your Legal Memorandum Discussion Section on or before November 8. Please review my comments prior to your conference and come prepared with questions.		
Sunday, 11:59 p.m. November 15	Legal Memorandum Due (40%)	
6 (face to face – except Nov 24) Client Emails Nov 18 – Nov 24	<i>Learning Objectives:</i> • Translate legal research and analysis into objective writing that is organized effectively, conveys all relevant and required substance clearly and concisely, and omits extraneous matters. • Understand the nexus between substantive law, procedure, legal skills, and ethics.	
	1	Writing Professional Emails: Ethics & Tone Read Coughlin, pp. 307–22.
	2	Effective Client Communication: Summarizing the Substance Read Coughlin, pp. 322–28.
	3	No Class: Drop in on Zoom from 1 – 3 p.m. with any questions about the Client Email assignment.
Wednesday, 11:59 p.m. November 25	Client Email Due (20%)	
No Class After Thanksgiving ~ Good Luck on Exams		