

LAWYERING SKILLS AND STRATEGIES I (SECTION B3)
FALL 2021 – REVISED COURSE INFORMATION SHEET

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Course Objectives [No Changes]

Lawyering Skills and Strategies I will focus on an introduction to the American legal system and the underlying skills and strategies lawyers must possess to succeed within it. By working through problems inside and outside of the classroom, you will be introduced to fundamental legal research, analysis, writing, and citation skills. And, in all matters, you will be expected to uphold the ethical and professional standards of a lawyer-in-training.

Learning Outcomes [No Changes]

The learning outcomes for this semester include the following:

- *Legal System*: Understanding the sources, hierarchy, and precedential value of legal authority.
- *Legal Research*: Proficiency in identifying issues applicable to a client's case; effective execution of online legal research techniques; and precise selection of legal authority.
- *Legal Analysis*: Ability to distinguish, structure, and dissect different types of legal rules; proficiency in understanding and applying enacted law to a client's case; proficiency in understanding and applying case law to a client's case.
- *Legal Writing*: Ability to translate legal research and analysis into an objectively written document that is organized logically; conveys all relevant and required content clearly and concisely; omits extraneous information; and uses correct grammar and punctuation.
- *Legal Citation*: Familiarity with the general principles for legal citation, the specific *Bluebook* rules for select legal authority, and the ability to apply them correctly.

Course Webpage (TWEN) [New Text in Green]

We will be using a course webpage maintained by The West Education Network (TWEN). The URL is <http://lawschool.westlaw.com/twen/> and you will need the Westlaw password distributed at Orientation to access it. After you register your Westlaw password, sign on to TWEN and add the course webpage named Lawyering Skills and Strategies (Heard).

You will need to check the TWEN course webpage frequently.

- The "Syllabus" section has the **Revised** course information sheet and syllabus.
- **"The Instruction Sheets" section has the instruction sheets for each class organized according to class session number and date.**
- The **"Class Videos"** section has the Class Videos organized according to class session number and topic.

- The “Course Materials” section has supplemental readings and PowerPoint presentations organized in folders according to class session number and topic.
- The “Ungraded Practice Exercises” section has the instruction sheets for ungraded practice exercises as well as answer keys and samples, if available, organized in folders according to the ungraded practice exercise’s name.
- The “Graded Assignments” section has the assigning packets and related materials for graded assignments organized in folders according to the graded assignment’s name.
- The “Sign-Up Sheets” section is where you will schedule individual conferences.
- The “Assignments & Quizzes” section is where you will submit practice exercises and graded assignments in addition to taking quizzes, as directed.

Course Materials [No Changes]

The required course materials are listed below.

- *A Lawyer Writes: A Practical Guide to Legal Analysis* (3d ed. 2018) by Christine Coughlin, Joan Malmud Rocklin & Sandy Patrick [“A Lawyer Writes”]. You may purchase or rent a print or e-book version of this text.
- *Legal Research in a Nutshell* (14th ed. 2021) by Kent C. Olson [“Nutshell”]. You may purchase or rent a print or e-book version of this text.
- *The Bluebook: A Uniform System of Citation* (21st ed. 2020), published by the Harvard Law Review Association [“Bluebook”]. Please purchase a print copy of *The Bluebook*.
- *The Bluebook Uncovered: A Practical Guide to Mastering Legal Citation* (21st ed. of The Bluebook), by Dionne E. Anthon [“Bluebook Uncovered”]. It is available at [http://dionneanthon.com/bbu/Anthon%20Bluebook%20Uncovered%20\(21st%20Edition%20of%20Bluebook\)%202020.08.06.pdf](http://dionneanthon.com/bbu/Anthon%20Bluebook%20Uncovered%20(21st%20Edition%20of%20Bluebook)%202020.08.06.pdf)
- You should have received and registered your passwords for the online legal research providers Lexis and Westlaw during Orientation. If you did not, please let me know.

The recommended course materials are listed below.

- *Manual on Usage & Style* (15th ed. 2020) published by the Texas Law Review.
- The free writing assistant Grammarly, available at <https://www.grammarly.com/>

Throughout the semester, I will supplement the readings assigned in the texts. The supplemental readings will be posted on the TWEN course webpage in the “Course Materials” folder according to class session number and topic. The supplemental readings will be identified by their class handout number and topic (e.g., “Class 1B Handout: Legal Authority”).

Attendance [New Text in Green]

The course is scheduled to meet on Mondays from 4:00 p.m. to 5:30 p.m. and on Thursdays from 4:00 p.m. to 5:30 p.m. in Room 240-BLB.

Even though the highly contagious Delta variant is causing a rapid surge in new COVID-19 cases in Houston, and Texas state law does not allow us to mandate vaccines or require masks to reduce the risk of transmission, I am being required to offer one in-person class experience per week for the first two weeks of the semester. For the first week of the semester, I will teach Class 1A on Zoom. I will offer Class 1B simultaneously in person in Room 240-BLB and online through Zoom. I plan to take the same approach for Week Two (i.e., August 30 will be on Zoom only and September 2 will be in person and on Zoom).^{*} A Zoom link for the online class sessions will be sent to your UH email address before the semester begins. If you decide to participate in LSS classes online through Zoom, you do not need to provide me with an explanation. I trust that it is the best decision for you, your family, your friends, and/or your community.

Please note that class sessions may be added or adjusted throughout the semester. Any additions or adjustments will be reflected in the syllabus and/or announced via email. For example, you will be required to attend one workshop hosted by the Legal Writing Center this semester and one workshop hosted by the UHLC Library this semester. These workshops will take place outside of our regularly scheduled class time. As soon as the dates and times for the workshops are finalized, I will let you know.

Attendance is mandatory. Attendance will be taken during each class session, which includes conferences and workshops. I reserve the right to count you as absent if you arrive more than ten minutes late or leave more than ten minutes early. If you cannot attend a class session, it is your responsibility to contact me in advance of the session (barring an emergency that prevents you from doing so). In accordance with the Law Center's attendance policy, you may miss no more than five class sessions during the semester. On your sixth absence, I will send you to the Assistant Dean for Student Affairs to discuss your continued enrollment in the course.

Class Sessions [New Text in Green]

Class sessions will emphasize collaborative and interactive learning through exercises and discussions. Accordingly, I expect that you will need to use an electronic device during class to access class materials, to complete class activities, and to take notes.

However, you should refrain from the impermissible use of electronic devices during class. Impermissible use includes, but is not limited to, completing assignments for other courses; engaging in electronic communication that is unrelated to class activities; visiting websites unrelated to class activities; playing games, listening to music, or watching videos that are unrelated to class activities. The impermissible use of an electronic device repeatedly during class sessions will affect your Professionalism grade.

^{*} The following policy regarding syllabus changes is required for inclusion by UH. Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Such modifications may include changes to the mode(s) of assessment for the course. Notice of such changes will be announced as quickly as possible through email.

Importantly, if you attend class in person, the following guidelines apply:

- I cannot mandate that you wear a mask.[†] However, I implore you to wear a mask in the classroom, regardless of your vaccination status, to protect yourself, your classmates, and members of your household. For example, even though I am fully vaccinated, I will be wearing a mask because I have household members who are not yet eligible for a vaccine. I imagine many of you are in similar positions.
- Please do not come to an in-person class if you are not feeling well. If you are experiencing any [Coronavirus Symptoms](#) at all (fever, cough, congestion, sore throat, loss of taste or smell, fatigue, etc.), please attend class online through Zoom. [University policy](#) says that your presence in the classroom means that you have no COVID-19 symptoms.
- Please do not come to an in-person class if you have tested positive for COVID-19 or have been diagnosed with COVID-19. [University policy](#) says that your presence in the classroom means that you have no such test results or diagnosis.
- Please do not come to an in-person class if you know that you have been exposed to someone with COVID-19 or suspected/presumed COVID-19. Please attend class online through Zoom, instead. [University policy](#) says that your presence in the classroom means that you have no such known exposure.
- Please see [Student 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.

Students are encouraged to visit the University's [COVID-19](#) website for important information including on-campus testing, vaccines, diagnosis and symptom protocols, campus cleaning and safety practices, report forms, and positive cases on campus. Please check the website throughout the semester for updates.

Data suggests that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent [vaccine information](#), consult with their health care provider. The University strongly encourages all students, faculty, and staff to be vaccinated.

[†] The following policy regarding face coverings is required for inclusion by UH. To reduce the spread of COVID-19, the University strongly encourages everyone (vaccinated or not) to wear face coverings indoors on campus including classrooms for both faculty and students.

Please do not record all or part of a class session, livestream all or part of a class session, or make/distribute screen captures without my prior express authorization. If I authorize a class session to be recorded, please do not distribute such a recording to any other person or use the recording for any purpose other than your own education without my prior express authorization. Your contributions during these class sessions may be included in the recording, and your continued registration in this course indicates your acquiescence to any such recording.

Class Videos [No Changes]

In order to participate fully during class sessions, you are expected to watch the assigned Class Video on Microsoft Stream in advance of the related class session to introduce you to the topic (e.g., watch the Class 1B Video in advance of the “Legal Authority” class session on August 26). These Class Videos are intended for your education only. They should not be shared with any other person without my prior express authorization.

My expectation is that you will watch each Class Video in a distraction-free setting that will allow you to take detailed notes in preparation for the related class session. While I may highlight important points from the Class Video when introducing activities and answering questions during the class session, I will not review the topic in its entirety.

A link to each Class Video will be available on the TWEN course webpage in the “Videos” section. If you encounter any problems accessing a Class Video through Microsoft Stream, please let me know immediately.

Conferences [No Changes]

You must attend one conference with me to discuss the Graded Legal Memorandum Assignment, and you must attend one conference with me to discuss the Graded Professional Email Assignment. The conferences will take place on Zoom. You will use the “Sign-Up Sheets” on the TWEN course webpage to schedule each conference, and I will email you the Zoom link in advance of your conference.

If you need to reschedule either conference, please contact me before the originally scheduled conference time. Otherwise, your failure to appear for the scheduled conference will be counted as an absence, and you will not be allowed to reschedule.

Office Hours [No Changes]

If you have any questions about the course, please ask me. I will have office hours on Tuesdays from 9:00 a.m. to 10:30 a.m., on Wednesdays from 2:30 p.m. to 4:00 p.m., and by appointment. Office hours will take place on Zoom, and I will email you the Zoom link in advance of the first week of classes.

I may not hold regular office hours during weeks in which I hold individual conferences. If I change my regularly scheduled office hours, I will notify you by email.

Zoom Etiquette and Expectations [New Text in Green]

In order to make online class sessions, individual conferences, and office hours as engaging and effective as possible, you should plan to participate fully with audio and video. If you are unable to participate with both audio and video, please let me know in advance.

Additional expectations for Zoom etiquette include the following:

- Access the Zoom link at least a few minutes before the scheduled time. If you run into difficulties, email me at wwheard@central.uh.edu.
- If your Zoom username isn't your full name or chosen name, please rename yourself accordingly.
- When you join Zoom, turn on your video camera. If I notice that you are turning your video camera off for extended amounts of time on a regular basis, I may contact you outside of class to see if everything is okay.
- **If you plan to join an LSS Class Zoom Meeting from our assigned classroom 240-BLB (or other UHLC location), please use headphones, mute your microphone, and use only one device to limit the risk of audio feedback**
- Most importantly, I will exhibit flexibility, patience, and kindness as issues arise. I hope that you will do the same.

Legal Writing Center [No Changes]

You may obtain free individual tutoring through the Legal Writing Center ("Center"). Several outstanding law students, known as Legal Writing Fellows ("Fellows"), staff the Center. They are able to help you with legal writing, research, and citation issues as well as style and usage questions. However, the Fellows are prohibited from assisting you with any graded assignment before you submit it.

You may email C_LawLegalWritingCenter@central.uh.edu to schedule a virtual appointment with a Fellow. Virtual drop-ins on the UH Legal Writing Center Team site during weekly office hours are also welcome. At any point during the semester, I may require or recommend that you meet with a Fellow.

Class Preparedness, Participation, and Professionalism [No Changes]

As future attorneys, I expect you to uphold the professional standards of a lawyer-in-training throughout the semester. Accordingly, before attending a class session, you are expected to complete the assigned readings, videos, and practice exercises. I reserve the right to lower your Professionalism grade if you habitually fail (1) to prepare for class, (2) to participate actively in

class, (3) to complete quizzes and practice exercises, or (4) to show respect for me and your classmates.

[Ungraded] Formative Assessments [No Changes]

Throughout the semester, I will provide feedback on your performance and competence based on your participation in class activities and your completion of quizzes and practice exercises. This feedback will help you hone the lawyering skills you need to succeed in LSS and in practice.

Quizzes

To assess your understanding of the subjects covered, I may require you to take a quiz on an LSS topic. The habitual failure to complete quizzes in a timely and satisfactory manner may affect your Professionalism grade.

Practice Exercises

Throughout the semester, I will assign frequent practice exercises, which you must complete to my satisfaction. Some practice exercises will be used during class sessions only. Other practice exercises will be submitted to me for feedback. Any work that in my discretion does not reflect a good faith effort will have to be redone or rewritten to an acceptable standard within a prescribed time. Be sure to retain a copy of your practice exercises. The failure to make a good faith effort on practice exercises and submit them in a timely manner may affect your Professionalism grade.

[Graded] Summative Assessments [No Changes]

Your performance and competence will also be graded. Your final grade this semester will be based on the following, subject to any adjustments identified in this course information sheet:

- **Legal Research and Citation Exam (25%)**
- **Graded Legal Memorandum Assignment (50%)**
- **Graded Professional Email Assignment (20%)**
- **Professionalism (5%)**

Knowing how to budget and manage time is an essential lawyering skill, so I expect all graded writing assignments to be submitted on time. If a graded writing assignment is more than fifteen minutes late, I may deduct 10% of the total points for the first hour (or part of the hour) that the graded writing assignment is late. After the first hour, I may deduct an additional 10% of the total points for every hour that the graded writing assignment is late.

I will consider extensions for *true emergencies* only. Be advised: computer problems and routine illnesses do not constitute true emergencies.

The Law Center uses an anonymous-grading system to ensure fairness in grading. You will be assigned an exam number this semester. You must use your exam number, instead of your name, on all graded assignments. *You should not share your exam number with me before the release of final grades.*

Mandatory Curve [No Changes]

This course is subject to a mandatory grading curve. The average grade in each section must be between 3.2 and 3.4.

Mandatory First-Year Grade Distribution [No Changes]

In addition to the mandatory grading curve, this course is also subject to the mandatory First-Year Grade Distribution:

A or A-	5% to 30%
B+ or B or B-	50% to 90%
C+ or below	5% to 20%

Formatting Requirements [No Changes]

All practice exercises and graded assignments you submit must conform to these specifications:

- Use Times New Roman, 12-point type, on white letter-size (8 ½" x 11") paper.
- Double space each page.
- Use one-inch margins on all sides.
- Place page numbers in the bottom center of each page.
- Print on one side of each page only [if a hard copy is requested].
- Staple your paper in top left corner [if a hard copy is requested].
- Adhere to all other requirements stated in the instruction sheet.

Honor Code [No Changes]

The UHLC Honor Code applies to this class. You are responsible for knowing its provisions and complying with it. It is an Honor Code violation to review LSS graded assignments from prior years.

The UHLC Honor Code is found at <http://www.law.uh.edu/student/HONOR-CODE-AND-PROCEDURES.pdf> Questions regarding how the Honor Code's provisions apply to specific activities may be directed to me or the Faculty Advisors for the Honor Board.

Accessibility and Accommodations [No Changes]

The University of Houston System complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable accommodations for students who have a disability, and it is committed to ensuring that all students enjoy equal access and full participation.

If you anticipate or experience barriers based on a disability (including any chronic or temporary medical or mental health condition), you may contact Ms. Samantha Ary, Academic Records Coordinator, to discuss your options for support services. Ms. Ary offices in Room 44A-TUII, which is located in the Student Services Suite. She can be reached at sary@central.uh.edu or 713-743-7466. Requests for accommodation that involve graded assignments must be directed to Ms. Ary, and they should be made as soon as possible to allow adequate time to document and to process the request

If you observe religious or cultural holidays that will coincide with class sessions, including conferences and workshops, please let me know so we can schedule alternative arrangements.

Anti-Discrimination and Sexual Misconduct Policies [No Changes]

UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you experience an incident of discrimination or sexual misconduct, a confidential reporting process is available to you.

For more information, please refer to the University system’s Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08:

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf (antidiscrimination)

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.

Chosen Names and Preferred Pronouns [No Changes]

I want to address each of you in a manner that corresponds to your identity. Although mistakes happen, I expect chosen names and preferred pronouns—including non-binary ones such as they/them/their—to be respected in my classroom. Please reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun, or if you have concerns about how you are being addressed by me or your classmates. My pronouns are she/her/hers. You may call me “Professor Heard” or “Prof. Heard.”

Counseling and Psychological Services [No Changes]

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) 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 (<https://uh.edu/caps/outreach/lets-talk/index.php#hours>).

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 by calling 800-343-8527. TLAP’s website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

**LAWYERING SKILLS AND STRATEGIES I
SYLLABUS—FALL 2021**

CLASS PERIODS	CLASS TOPICS	CLASS READINGS AND VIDEOS	ASSIGNMENTS DUE
Class 1A August 23	The U.S. Legal System	<i>A Lawyer Writes</i> pp. 15-31 Class 1A Video (MS Stream)	Federal Jurisdiction Ex. State Jurisdiction Ex.
Class 1B August 26	Legal Authority	Class 1B Handout (TWEN) Class 1B Video (MS Stream)	“4 Things About Me” Form Weight of Authority Ex. Legal Authority TWEN Quiz
Class 2A August 30	Reading and Understanding Cases	<i>A Lawyer Writes</i> pp. 33-34, 45-59 Class 2A Handout (TWEN) Class 2A Video (MS Stream)	Case Brief Ex.
Class 2B September 2	Identifying Issues and Understanding Rules	<i>A Lawyer Writes</i> pp. 61-72 Class 2B Handout (TWEN) Class 2B Videos (MS Stream)	Rule Synthesis Ex.
September 6	No LSS Class – Labor Day Holiday.		
Class 3B September 9	Legal Analysis I (Statutory Law)	<i>A Lawyer Writes</i> pp. 35-43, 185-191, 193-205 <i>Nutshell</i> pp. 119-149 Class 3B Video (MS Stream)	Statutory Interpretation Ex.
Class 4A September 13	Legal Analysis II (Case Law)	<i>A Lawyer Writes</i> pp. 73-91, 141-161 Class 4A Handout (TWEN) Class 4A Video (MS Stream)	Case Law Analysis Chart
Class 4B September 16	Introduction to Legal Research and Introduction to Legal Citation	<i>Nutshell</i> pp. 1-30 <i>Bluebook</i> pp. 1-3 <i>Bluebook Uncovered</i> pp. xiii-xiv, 3-11 Class 4B Videos (MS Stream)	Intro to Research Ex. Intro to Citation Ex.
Class 5A September 20	Legal Research and Legal Citation (Secondary Sources)	<i>Nutshell</i> pp. 31-54, 207-211 <i>Bluebook Uncovered</i> pp. 107-116 Class 5A Video (MS Stream)	Secondary Sources Research Ex.
Class 5B September 23	Legal Research and Legal Citation (Statutes)	<i>Nutshell</i> pp. 89-118 <i>Bluebook Uncovered</i> pp. 61-75, 81-83, 179, and 244-248 Class 5B Video (MS Stream)	Statutes Research Ex.
Class 6A September 27	Legal Research and Legal Citation (Cases)	<i>Nutshell</i> pp. 55-88 <i>Bluebook Uncovered</i> pp. 15-34, 47-55, 137-143, 175-179, 211-214, and 233-244 Class 6A Video (MS Stream)	Cases Research Ex. Secondary Sources Citation Ex.
Class 6B September 30	Communicating Your Analysis in Writing (“CREAC”)	<i>A Lawyer Writes</i> pp. 93-124, 127-132, 175-184, 191-192, 205-209 Class 6B Video (MS Stream)	CREAC Workshop Prep Statutes Citation Ex.
Class 7A October 4	The Legal Memorandum (Overview, Question Presented, and Brief Answer)	<i>A Lawyer Writes</i> pp. 3-14, 229-244 Class 7A Video (MS Stream)	Cases Citation Ex.

Class 7B October 7	The Legal Memorandum (Statement of Facts)	<i>A Lawyer Writes</i> pp. 245-253 Class 7B Video (MS Stream)	Writing Ex. I (“CREAC”)
Class 8A October 11	The Legal Research and Citation Exam will be administered on Monday, October 11.		
Class 8B October 14	The Legal Memorandum (Discussion – Content)	<i>A Lawyer Writes</i> pp. 125-127 Class 8B Handout (TWEN) Class 8B Video (MS Stream)	Group Research Report
Class 9A October 18	The Legal Memorandum (Discussion – Organization)	<i>A Lawyer Writes</i> pp. 163-174, 211-227, 255-257 Class 9A Video (MS Stream)	None
Class 9B October 21	The Ethical Use of Sources	<i>A Lawyer Writes</i> pp. 133-139 <i>Bluebook Uncovered</i> pp. 191-204 Class 9B Video (MS Stream)	Writing Ex. II (Legal Memo)
Class 10A October 25	Effective Legal Writing	<i>A Lawyer Writes</i> pp. 272-279 Class 10A Video (MS Stream)	Effective Legal Writing Ex.
Class 10B October 28	Editing (Rewriting, Revising, and Polishing)	<i>A Lawyer Writes</i> pp. 259-272, 279-284 Class 10B Video (MS Stream)	None
November 1- November 5	Individual Conferences (Graded Legal Memorandum) will be held in lieu of LSS Class during Week 11. Attendance is mandatory.		
November 8	The Graded Legal Memorandum is due on Monday, November 8.		
Class 12A November 8	Legal Correspondence	<i>A Lawyer Writes</i> pp. 285-328 Class 12A Handout (TWEN) Class 12A Video (MS Stream)	Graded Legal Memorandum
Class 12B November 11	Professionalism in School and Practice	None	Writing Ex. III (Email)
November 15- November 19	Individual Conferences (Graded Professional Email) will be held in lieu of LSS Class during Week 13. Attendance is mandatory.		
November 22	The Graded Professional Email is due on Monday, November 22.		
Class 14A November 22	End-of-Semester Panel (Final Exams and Summer Job Search)	None	None

*** The syllabus may be modified as needed to achieve course objectives. ***