

**WRITTEN ADVOCACY FOR LITIGATORS:  
COURSE DESCRIPTION AND SYLLABUS  
Spring 2022  
Professor Lonny Hoffman**

**Note about Spring 2022**

For the Spring 2022 semester, the class will meet entirely online.

**Course Overview and Learning Outcomes**

This three-credit course satisfies the Upper Level Writing Requirement. It is designed to help students gain a sharper understanding of their writing tendencies and develop better writing skills and habits. This class is best 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 2:30-4:00pm. There's no casebook to buy; I've 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**

Dates	Subject Matter	Reading Assignment
Wed., Jan 19	Introductory class meeting; discussion of reading	In advance of this class, students should read: <ul style="list-style-type: none"> <li>• Mattewson, <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> <li>Plaintiff's Response in <i>Washington v. La Marque</i> (both versions)</li> <li>• <i>Belli v. Hedden Enterprises</i> Order</li> </ul> <b>Course Materials, pp. 2-31</b>

<p>Mon., Jan 24</p>	<p>Discussion of reading and of assignment</p>	<p>In advance of this class, student should read:</p> <ul style="list-style-type: none"> <li>• Gopen, <i>A Micro-Journey</i></li> <li>• <i>Adnon Syed v. State</i> annotated brief</li> <li>• Dubose, <i>Eight Common Writing Mistakes in Motion Practice</i></li> <li>• Baruch, <i>Framing Issues for the Trial Court</i></li> <li>• Guberman, <i>25 Ways to Write Like John Roberts</i></li> <li>• <i>Jones v. Flowers</i></li> <li>• Self-Evaluation Questions</li> </ul> <p>Assignment: Try rewriting Introduction to Plaintiffs' Reply Brief in <i>Children's Rights</i> case (Course Materials, page 59). You do not need to turn in your rewrite; we will discuss in class. Ungraded assignment.</p> <p><b>Course Materials, pp. 32-59</b></p>
<p>Wed., Jan 26</p>	<p>Discussion of reading</p>	<p>In advance of this class, student should 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> <li>• Read Guberman, <i>Judges Speak Out</i></li> <li>• Salzwedel, <i>Eschewing Comfort Words</i></li> <li>• Einhorn, <i>Writing Respectfully</i></li> </ul> <p><b>Course Materials, pp. 60-88</b></p>
<p>Mon., Jan 31</p>	<p>Discussion of Mandamus Brief rewrite assignment</p>	<p>Assignment: No later than Friday, Jan 28 at 5:00 pm, email your rewrite of "Mandamus Brief (Course Materials, p.85). Assignment worth 5% of final grade.</p>
<p>Wed., Feb 2</p>	<p>Invited speakers to discuss writing strategies</p>	<p>In advance of this class, student should read:</p> <ul style="list-style-type: none"> <li>• Cooney, Plain Language, <i>Acronymious</i></li> <li>• Brief in <i>Vergara v. California</i></li> <li>• Brief in <i>Commonwealth of Massachusetts v. EPA</i></li> <li>• Schiess, <i>Graphics in Briefs: Why Not?</i></li> <li>• Brief in <i>Hillwood Investment Properties v. Radical Mavericks Management</i></li> <li>• Brief in <i>United States of America v. Apple, et al.</i></li> </ul> <p><b>Course Materials, pp. 89-120</b></p>

Mon., Feb 7	Discuss Fantastic Sams assignment	In advance of this class, student should read Fantastic Sams documents  <b>Course Materials, pp. 121-62</b>
Feb 9, 14, 16	No group class meetings on these days. Instead, students will have required individual meetings with instructor to discuss first drafts of MSJ	<b>Assignment: First drafts of summary judgment motion for Fantastic Sams case due by email to professor and student's assigned partner on February 16 by 5:00 pm. Assignment worth 15% of final grade.</b>
Mon., Feb 21	Discuss first drafts of MSJ in Fantastic Sams problem	In advance of this class, student should read: <ul style="list-style-type: none"> <li>• Guberman, <i>Legal Writing: How to Write for Partners</i></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 Audience: The Client</i></li> </ul> <b>Course Materials, pp. 163-175</b>
Feb 23, 28, Mar 2, 7, 9	No group class meetings on these days. Instead, students will have required individual meetings with instructor to discuss revised drafts of MSJ.	<b>Assignment: Revised drafts of summary judgment motion for Fantastic Sams due by email to professor and student's assigned partner on March 9 by 5:00 pm. Assignment worth 20% of final grade.</b>
Mar 14- 19	Spring break	Spring break
Mar 21	Discuss revised drafts of MSJ in Fantastic Sams problem	In advance of this class, student should read: <ul style="list-style-type: none"> <li>• Gopen, <i>A New Approach; Misconceiving</i></li> <li>• Gopen, <i>The Importance of Stress</i></li> </ul>

		<ul style="list-style-type: none"> <li>• Gopen, <i>How to Overburden</i></li> <li>• Gopen, <i>Controlling Crowded</i></li> <li>• Gopen, <i>Important: Avoid</i></li> <li>• Gray, <i>The Appellate Record</i>: Font Advice</li> </ul> <p><b>Course Materials, pp. 176-190</b></p>
Mar 23	Discuss <i>City of Houston v. Towers Watson</i> assignment	<p>In advance of this class, student should read <i>City of Houston v. Towers Watson</i> Materials</p> <p><b>Course Materials, pp. 191-204</b></p>
Mar 28, 30, Apr 4, 6, 11	No group class meetings on these days. Instead, students will have required individual meetings with instructor to discuss first drafts of Response to Motion to Stay in <i>City of Houston v. Towers Watson</i>	<p>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 on April 11 by 5:00 pm. Assignment worth 25% of final grade.</p>
Apr 13	Discuss first drafts of Response to Motion to Stay	No additional reading
Apr 18, 20, 25 and 27	No group class meetings on these days. Instead, students will have required individual meetings with instructor to discuss revised drafts of Response to Motion to Stay	<p>Assignment: Revised response brief in <i>City of Houston v. Towers Watson</i> due to professor and student partner on April 27 by 5:00 pm. Assignment worth 35% of final grade.</p>

## Additional Class Information

### **Attendance and Participation**

You must attend at least 80% of the scheduled group classes and required individual meetings. I may lower a final grade or take other appropriate disciplinary action (up to entering a failing grade) if I determine that a student has violated this attendance policy. School rules allow me to improve a student's grade by as much as one-third of a letter grade based on class performance (e.g., from B to B+). Keep in mind that in-class performance is based on the overall quality, not quantity, of your participation.

My expectation as to virtual class attendance is that all students join with video. This will help me confirm who is in attendance (and so avoids any need for a sign-in attendance sheet). It also helps me have a sense of class participation and helps to promote a more robust online community. If you know in advance that there's some reasonable reason why you do not want (or cannot) join with video, I expect you'll notify me in advance. Of course, there may be technical glitches from time to time; I understand that. But I expect that you'll do your best to correct the problem before our next class. If you need help with any technical issues, let me know or reach out to our IT team by emailing them at [lawcomputerhelp@central.uh.edu](mailto:lawcomputerhelp@central.uh.edu) or calling (713) 743-2260.

### **Chosen Names and Preferred Pronouns**

You certainly have the right to be addressed by your preferred name and pronoun—and that includes any non-binary pronouns. Rosters do not list gender or pronouns so if you have specific preferences, please just let me know.

### **Recording of Class.**

All group classes will be recorded through Zoom. These recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. 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. 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.

### **Academic Support**

There are lots of academic support options at UHLC. Three of the best, I think, are:

1. The Legal Writing Center (which can help on writing and studying generally).  
Go to: <http://www.law.uh.edu/lrw/legal-writing.asp>.
2. Talking with your professors and the teaching assistants assigned to your classes. That's what we are here for.

3. Joining a student organization. Can be both enriching for law school and a good source of academic support. For a list, go to <http://www.law.uh.edu/organizations/homepage.asp>. If you have trouble linking to a group, Kristan Withers, the Law Center's liaison for the student organizations, may be able to help. Her email is [kdwither@central.uh.edu](mailto:kdwither@central.uh.edu).

### **Other Support**

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 Monica Mensah in Student Services is another resource. She's been helping students for many years. Her office is located in the Office of Student Services, which is across from the student commons. Her email is [memensah@uh.edu](mailto:memensah@uh.edu); her phone is (713) 743-6247.
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. Their webpage can be accessed here: [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 (web address is <https://www.tlaphelps.org/>). TLAP "provides confidential help for lawyers, law students and judges who have problems with substance abuse and/or mental health issues." 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.

### **Accessibility and Accommodations.**

UHLC 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), please feel free to reach out to me so that we may discuss options. If you require any support services, you may contact Ms. Samantha Ary, Academic Records Coordinator. Ms. Ary is located in room 44A TU-II in the Office of Student Services suite, and she can be reached at [sary@central.uh.edu](mailto:sary@central.uh.edu) or (713) 743-7466. Requests for accommodation that involve graded assignments must be directed to Ms. Ary and 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 synchronous class sessions or conferences, please let me know as soon as possible, so that we may make arrangements.

### **Diversity and Inclusion.**

This is an inclusive learning space; all are welcome. If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Monica Mensah, Assistant Dean for Student Affairs Student Services, is an excellent resource (contact info above). You can also bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion Committee. You can contact the committee directly at UHLCD&I@uh.edu.

### **Anti-Discrimination and Sexual Misconduct Policies.**

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 have experienced 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, available at [https://uhsystem.edu/compliance-ethics/\\_docs/sam/01/1d7.pdf](https://uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf), and Sexual Misconduct Policy, available at [https://uhsystem.edu/compliance-ethics/\\_docs/sam/01/1d8.pdf](https://uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf)

Please be aware that under the sexual misconduct policy, 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.

### **Contact Information and Office Hours**

My office is BLB 124, which is in the faculty suites on the first floor of BLB. My office phone is (713) 743-5206; my email is [lhoffman@uh.edu](mailto:lhoffman@uh.edu). My assistant is Megan Bostick. Her phone is (713) 743-82984; her email is [mbostick@central.uh.edu](mailto:mbostick@central.uh.edu).