

Lawyering Skills & Strategies
Spring 2023
Syllabus

Prof. Kenneth R. Swift
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Sections A4 and B2

Additional Text

We will use the same textbooks as last semester. In addition, this semester you will also need to purchase *The Greenbook: Texas Rules of Form*. Among other outlets, it can be purchased online here: <https://law.utexas.edu/publications/books/the-greenbook-texas-rules-of-form/>.

Course Objectives

This semester you will continue to develop and refine the legal writing, analysis, and research skills you learned last semester. This semester you will apply those skills in the context of persuasive writing.

As we did last semester, we will continue to explore a variety of additional legal skills and forms of legal communication. Classroom sessions will again be a combination of lecture, group work, and experiential learning simulations.

Additionally, this semester we will explore contract drafting and other legal drafting skills. You will have the opportunity to edit a contract and draft a contract.

Course Rules, Policies, and Procedures

The course rules, policies, and procedures set forth in the Student Manual distributed in the fall semester continue to apply this semester. A copy of the manual is available on the course website.

Course Points

Subject to change, points for the semester will be awarded as follows:

Final Trial Memorandum	40
Quiz	20
Contract Drafting:	15
Participation and Effort	8
Professionalism Points	4

As with last semester, participation and effort points will be scaled.

Course Grade

The Law Center mandates that this course be graded on a curve between 3.2 and 3.4 with a mandatory grade level percentage distribution requirement. Your grade in this class will be based on your overall point total.

As was the case last semester, participation and effort points will be awarded for completing various course assignments such as citation exercises, Core Grammar exercises, and preliminary writing assignments to a reasonable effort standard. These points will be scaled and included in the overall point total.

Professionalism points will be included in the course points total to encourage habits which create a professional learning environment and help prepare you for your career. Among items considered in awarding these points are arriving for class on time, preparing for in-class activities as assigned, fully and respectfully participating in small group discussions and in-class simulations, refraining from using your phone during class, and registering, and arriving on-time and being prepared for individual and group meetings.

Attendance

In accordance with the Law Center attendance rules, you may miss no more than 20% of scheduled classes/mandatory class activities this semester. After you have missed 20%, I will submit your name to the Associate Dean for Student Affairs with a recommendation that you be dropped from the course. Arriving more than 15 minutes late or leaving more than 15 minutes early will count as an absence for that class hour.

Honor Code

The Honor Code applies to this class. You are responsible for complying with the Honor Code and for knowing its provisions. If you have questions about a certain activity, please ask me. Additionally, the course rules in the Student Manual, distributed at the start of the first semester and posted on the course website, apply to this semester.

Legal Writing Center

All UHLC students may obtain free individual tutoring at the Legal Writing Center, located in the library. Several outstanding third-year law students staff the Legal Writing Center. On all ungraded assignments, the tutors will answer your questions on legal writing, research, and citation. They also will be able to help you with basic grammar skills, proper English usage, and sentence/paragraph construction. You may schedule appointments with the Writing Center tutors by calling 713-743-0759 or emailing C_LawLegalWritingCenter@central.uh.edu. Walk-ins are also welcome.

Additional Resources and University Required Language

IX. Additional Resources and University Required Language

Mode of Presentation (University required designation)

(SY) Synchronous classes do not meet face-to-face, but they do meet at a specific time and day(s) of the week in a virtual classroom. All class materials are available online, and virtual lectures may be recorded to provide additional flexibility for students to view them later.

CAPS

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 at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html

Names and Pronouns

I want to address each of you in a manner that corresponds to your identity. Although mistakes happen, chosen names and preferred pronouns—including non-binary ones such as they / them / their—must be respected in my course. Feel free to 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 any concerns about how I or your classmates address you.

UH Sexual Misconduct Policy

The University is 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, there is a confidential reporting process 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, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php> ;<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 are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. ***Also, as a required reporting party, I am not a confidential resource.***

COVID-19 Information

Students are encouraged to visit the University's [COVID-19](#) website for important information including diagnosis and symptom protocols, testing, vaccine information, and post-exposure guidance. Please check the website throughout the semester for updates.

Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact [the Justin Dart Jr. Student Accessibility Center](#) (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

Recording of Class (University required language)

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. 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. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval 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.

Resources for Online Learning

The University of Houston is committed to student success and provides information to optimize the online learning experience through our Power-On website. Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Blackboard; requesting a laptop through the Laptop Loaner Program; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Security Escorts and Cougar Ride

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our Security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety please call [713-743-3333](tel:713-743-3333). Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called Cougar Ride that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

Honor Code

The UHLC Honor Code applies to all aspects of this course. *You are responsible for knowing all Honor Code provisions and for complying with the Honor Code.* Please ask

me if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to my course. *It is an Honor Code violation to review the graded assignments distributed to, or written by, any of my students from prior years.*

Syllabus Changes

Please note that the instructor may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible through email.

Helpful Information

Coogs Care: <https://uh.edu/dsa/coogscare/>

Student Health Center: <https://www.uh.edu/healthcenter/>

Syllabus

Course Texts and Abbreviations:

From Last Semester:

George W. Kuney & Donna C. Looper, *Mastering Legal Analysis and Drafting* (2009)
Carolina Academic Press ISBN: 978-1-59460-628-1 (“Kuney”)

The Bluebook: A Uniform System of Citation (20th ed. 2015) The Harvard Law Review
Association ISBN 978-0-692-40019-7

Amy E. Sloan, *Researching the Law: Finding What You Need When You Need It* (2017)
Wolters Kluwer Law & Business ISBN: 9781454886495 (“Sloan”) (Note: online
supplement not required)

Tracy L McGaugh & Christine Hurt, *Interactive Citation Workbook for The Bluebook: A
Uniform System of Citation* (2020-21 Edition) (“Interactive”)

New This Semester:

The Greenbook: Texas Rules of Form, (15th ed. 2022), ISBN: 978-1-878674-11-1
 (“Greenbook”) (Note: This is a brand-new edition, so make sure that you purchase the
the 15th edition.)

Week One

Unless otherwise noted asynchronous units are due by 6 p.m. on Thursday, January 26.

Note: This checklist covers the synchronous classes in both the weeks of 1/16 and 1/23.

Synchronous Class on Tu. 1/17(B2) or Th. 1/19(A4)

Reading:

None

Class Topics:

- Semester overview and course progression
- Introduction to drafting
- Introduction to advocacy
- Review of fall semester items

Synchronous Class on Tu. 1/24(B2) or Th. 1/26(A4)

Reading:

Kuney, Ch. 5, pp. 87-107 (suggested review; assigned first semester)

Class Topics:

- Review of written legal analysis structure
- Introduction to the MPT
- Bluebook Review

Notes and Due Dates:

- You will need your Bluebook for class.
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Asynchronous Units Checklist (*exercises available after classes begin*)

A. Legal Analysis Scramble

*The items below will be found in a module folder, which **means that each item in the exercise appears once you have accessed/completed the preceding item.** Here are the items to complete:*

1. **Watch:** *Legal Analysis Scramble Exercise.* (Short video)
2. **Read:** *Kuney, Ch. 6, pp. 111-114; Office Memorandum Outline* (outline is optional/distributed last semester and posted on the course website)
3. **Complete:** *Legal Analysis Scramble Exercise;* download the exercise and then upload your completed exercise using the provided link.
4. **Read:** *Legal Analysis Scramble Exercise suggested answer.*

B. Summary Judgment Research Exercise

1. **Read:** *Sloan, Ch. 9 and 11* (Optional/assigned last semester)
2. **Complete:** *Summary Judgment Research Exercise*

NOTE: *This exercise is not due until the start of class on Tu.1/31(B2) or Th. 2/2(A4). We will use the exercise for an in-class moot court argument.*

Core Grammar: The Core Grammar exercises may be completed at any time up to the due dates below.

Exercises B (1-4), C (1-2): **2/9**

Exercises C (3-4), E (1-4): **2/23**