WRTG 3020: Conversations on the Law
Spring 2011
Kathryn W. Pieplow, J.D.
Senior Instructor, Program for Writing and Rhetoric

Class times: 2:00–2:50 MWF HLMS 263

Office Hours: 9:00–10:00 MWF
– or you can make an appointment
Phone: (303) 735-4679
Office: Environmental Design 1B27b
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An Overview:  Course Description
The law pervades American society and touches each of us daily: from “Law and Order” to “Judge Judy,” and from traffic tickets to constitutional questions such as “Can I protest at the UMC?” In “Conversations on the Law,” students will build on basic rhetorical knowledge learned in First Year Writing and Rhetoric to expand their analytical and argumentative skills. You examine and write in several legal genres using a moot court sequence of assignments. You act as legal counsel to write an analytical memorandum to your law firm. You write an appellate brief – a persuasive argument to a court. In addition, students will participate in oral arguments as both counsel and judge. The semester includes the opportunity to deliberate as a jury. Throughout the semester, you hone the research and writing skills acquired in WRTG 1150 in order to better understand how the law functions: as public policy, as a unique language, a its own creation and a civilizing force, and as conceptualized by those inside and outside of the profession.

WRTG 3020 meets the CCHE criteria for an Advanced Writing Course (GT-CO3) in the Colorado system of higher education.

Rhetorical Knowledge: “Conversations on the Law” explores several genres and conventions commonly used to transmit ideas within the legal world and its various discourse communities. We look at how a specialized vocabulary affects clarity and credibility by examining the concept of “legalese.” We explore law as a response to culture, society and place. We define public policy.

We examine legal rhetoric through assignments in three basic legal genres – legal memoranda, appellate briefs, and oral arguments. In preparation for writing in these legal genres, we focus extensively on invention: examining facts, identifying issues, researching and analyzing the possible solutions to a variety of public policy issues. Students identify the requirements of the various legal genres, thereby revealing the values, goals and assumptions of the larger community. You practice how stance, content, context, conventions, and persuasive strategies work within the seemingly rigid confines of these genres. Legal conventions and due dates are strictly enforced, as courts have stringent rules for formatting briefs (i.e., sections, headings, margins, font size) and inflexible due dates. Visual rhetoric, modeling, and audience analysis also enter into discussion and praxis. Finally, you participate in several reflective and audience-centered activities to help you better understand persuasive evidence, strategies, and credibility.

Writing Process and Writing Conventions: We approach writing as an ongoing process requiring multiple drafts and apply a range of strategies for developing and revising texts. You will use many revision strategies such as partial drafts, written and oral peer commentary, editing teams, brainstorming revision criteria, and sentence-level writing exercises. In addition, you meet one-on-one with the instructor two to three times during the semester to workshop drafts. Finally, you extend you mastery of features style, syntax, grammar, punctuation, and spelling to write persuasively.

Content Knowledge: This course is designed to introduce effective communication techniques from the real world of the law – using some of those documents and genres that lawyers and judges assemble or work with on a daily basis. Students demonstrate their ability to compose and adapt content and style to the needs of multiple audiences and rhetorical situations by practicing and demonstrating proficiency in the three legal genres which are the focus of the moot court experience.

As with law school classes, “Conversations on the Law,” uses fact patterns each semester to guide the content of the research and writing for the class. The fact patterns vary from semester to semester, and are listed on the Schedule. Students work, in different capacities, with three of the six fact patterns for the semester. As Margolis and DeJanatt write in their article, “Moving Beyond Product to Process: Building a Better LRW Program,” a good fact pattern or writing problem “must be challenging, involve issues that are both realistic and arguable, be culturally sensitive, and stretch the students’ analytical and research skills without overwhelming them.” (48 Santa Clara L. Rev. 93, 131 (2005)). Specifically when working with undergraduate students, the fact patterns cannot be too “legal” as these students have not had the benefit of legal training.

Perhaps the most important application of the class comes from the focus in the class on public policy issues rather than purely “legal” issues. These fact patterns are contemporary debates, and are written to raise public policy aspects of the law that should concern all members of a civically engaged society, whether law-trained or not.

Technology:
Electronic technologies play an important role in the course. Students use print and electronic resources to prepare for writing legal genres, locating information and analyzing it for accuracy, relevance, credibility, reliability and bias. They also post, edit, and comment on drafts using Google Docs. This integration of Web 2.0
technology enhances creativity, communication, information sharing, and collaborative learning both inside and outside of the classroom.

**Texts and Materials:**
- Law as a response to society, culture & place –
  - “Introduction” to *The Philosophy of Law* by Joel Feinberg and Jules Coleman
  - “Patterns of Order in Comparative Law” by Bernhard Gossfled and Edward J. Ebele
- Basic legal principles as public policy –
  - “Eight Ways to Make Bad Law” by Lon Fuller
  - “Legal Realism” by Jerome Frank
  - *Policy Paradox* by Deborah Stone (selections)
- Defining legal genres and audiences –
  - *Legal Writing and Analysis* by Linda H. Edwards (selections)
  - *Legal Reasoning and Legal Writing* by Richard K. Neumann (selections)
  - “Fiction 101: A Primer for Lawyers on How to Use Fiction Writing Techniques to Write Persuasive Facts Sections” by Foley & Robbins
- Judging, oral arguments and judicial opinions –
  - “Introduction” to *How Judges Think* by Richard A. Posner
  - Moot court competitions – live at CU Law School, George Washington Moot Court competition on DVD
  - “How to Read a Judicial Opinion” by Keer
  - *Judicial Writing Manual*
  - Selected judicial opinions
- Writing process – selections by
  - Don Murray • Ken Macrori
  - Bruce Ballenger • Tom Romano

**Assignments: Overview**

The basic structure of this class is as a moot court. We spend the first three weeks reading about and writing short reflections on the law as public policy. The remainder of the semester is spent primarily on three basic legal genres: the legal memo, appellate brief, and oral arguments (as petitioner’s counsel, as respondent’s counsel, and as judge). You work with a different set of facts for each genre.

The legal memo is an internal, law office document written about a particular case. It is a purely analytical document. The audience is the author herself, or other lawyers who may work on the case for that client. The purpose of the memo is to identify those facts which are of legal importance, present the theories or issues raised by those facts regardless of which side might favor theories, and to predict or strategize the outcome of the case.

You next build on the legal memo and its menu of facts and theories to write an appellate brief which should persuade an external audience of judges to rule in favor of your client. We also pay attention to the physical requirements of the brief in following specific formatting guidelines and deadlines.

The companion piece to the brief is oral argument where you have the opportunity to respond persuasively and directly to questions by a panel of judges. Students argue twice: you argue you brief as the petitioner in a case, and you argue your memo as the respondent in a second case. You serve as a judge for a third set of facts. Your final exam is a draft judicial opinion.

There are a series of smaller miscellaneous assignments throughout the semester: rhetorical analyses of selected writings, a reflective judicial philosophy paper written in preparation for judging oral arguments, and the opportunity to deliberate as a jury. Throughout the semester, you write reflectively on the concepts introduced through blogging questions and on the writing process, primarily through keeping a revision log.

**Assignments: How do I find them?**

Information on your assignments will be posted on my blog: [http://www.kathrynpieplow.pwrfaculty.org](http://www.kathrynpieplow.pwrfaculty.org). Under the tab for WRTG 3020, you will find links to the daily activities, assignments and readings grouped by subject. The schedule lists all activities by date. Note: the schedule will change over the course of the semester.

**Attendance**

Attendance is required in my classes. This is a seminar/workshopping class – we work in class. Much of what we do in class prepares you for the “next step” of the assignment, and cannot be duplicated outside of the classroom. "Being there" and being prepared are essential for my classes. Both are crucial to your success as a writer and to the success of the your peers and class. If you have to miss a class, you are responsible for finding out what you missed and for completing any work on time.

If you miss more than three (3) classes, for any reason, your final grade will be lowered one level for each additional absence (for example, from a B to a B-).

Be punctual; if you walk in late, you miss important announcements and you disrupt the class. Late means you are not present in the classroom at the announced time for class to being and/or when I arrive.

Two late arrivals are counted as one absence.

**Classroom Behavior - CU’s take**

Students and faculty each have responsibility for maintaining an appropriate learning environment. Students who fail to adhere to such behavioral standards may be subject to discipline. Faculty have the professional responsibility to treat all students with understanding, dignity and respect, to guide classroom discussion and to set reasonable limits on the manner in which they and their students express opinions. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, culture, religion, politics, sexual orientation, gender variance, and nationalities. Please see the polices at [http://www.colorado.edu/policies/classbehavior.html](http://www.colorado.edu/policies/classbehavior.html) and [http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student_code](http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student_code).

**Classroom Behavior – KWP’s take**

College is basically a job for each of us, whether instructor or student. The classroom is one of our work spaces, and we are all adults. Therefore, to echo some of the language in CU’s official policy, we need to treat each other with dignity, respect, sensitivity and courtesy.

Please turn off cell phones when in class. I will do the same so that I can give you my undivided attention.

This also means no texting in class.
We post all drafts and peer comments on Google Docs, all assignments are on the blog, and you may want to take notes or do research. Computer access is essential for this class. Please bring your personal computer to class. However, please use the computers only for activities related to this class.

I do not mind if you eat or drink in class, especially since I teach over the lunch hour. However, because we have access to and use computers, all food and drink must be off the tables when the computers are being utilized.

Computers and Computer Problems
If you are having problems with your personal computer, remember that there are computer labs all over campus where you can access the blog or Google Docs. Plan ahead!

Computer problems do not excuse the failure to prepare.

I strongly advise you to invest in a flash drive (memory stick, whatever) and back up your work regularly. Every semester, without fail, I have at least one student who spills coffee on his/her laptop (thereby frying the hard drive) or whose hard drive simply quits (usually in the last week before finals with all class notes and papers on it).

Conferences
You will meet with me for several one-on-one conferences throughout the semester. These are workshops, where I will read your latest draft and make suggestions for improving it. These conferences are required. Missing one affects the quality of your work and your grade.

Disabilities Assistance
If you qualify for accommodations because of a disability, please submit to me a letter from Disability Services in a timely manner so that your needs may be addressed. Disability Services determines accommodations based on documented disabilities. Contact: 303-492-8671, Willard 322, and http://www.Colorado.EDU/disabilityservices.

Drafts
Your writings — drafts, revisions and comments on your classmates’ writings — are often the primary texts for this class.

The following rules always apply:
• Have drafts ready and posted when due for distribution.
• Drafts are required, but not graded.
• Please follow the naming protocol for Google Docs. In addition, please indicate which draft is which by putting the date or draft number on the document. This makes it much easier for both you and me to determine whether something is a first draft, a second draft, etc., and to quickly locate it in Google Docs.
• Final drafts are to be typed and double-spaced. Fonts must be no larger than 12 points.
• Even though drafts are posted and reviewed electronically, please give me a hard copy of the final draft.
• Back up your work. You are responsible for having the required documents at the required times. Google Docs is handy, but sometimes not available. I am not responsible should a draft be misplaced, lost or fried. And, I may ask you to supply a clean copy for program assessment.
• Late drafts will not be accepted for workshop.
  If you do not have a draft the day it is due, I will dismiss you from class and you will receive no credit ("0") for the day. Due dates should be clearly marked on the syllabus – but I often change dates in class.
• Late drafts will be reviewed by the instructor at her discretion.
• Save returned drafts with comments by the instructor. These “instructor drafts,” earlier versions of your paper that I have read and made comments on, must accompany any revisions.
• All final drafts must be submitted in hard copy and are due at the beginning of the class period on the day they are due.

Hand in “conference drafts” along with the final draft.

• Plagiarism will not be tolerated: the paper may receive an automatic F, your case may be reported to the Honor Code Committee and the Dean, and you may fail the course.
• I will not accept final papers that have not been workshopped on a regular basis over the course of the assignment

If you are absent on the day your draft is workshopped, the paper will not be discussed. If you have no draft at the time drafts are due, your draft will not be workshopped. The quality of your papers, and by extension, your grade, does suffer when you miss classroom critiques - you lose both the benefit of that extra draft and commentary on it. "First draft" final versions of papers are will not be accepted and you will receive an F for that assignment.

Drop/Add Policy for the PWR
Please be aware that the published policy of the PWR permits an instructor to administratively drop any student who misses two classes during the drop/add period (roughly the first two weeks of the regular semester). The absences need not be consecutive -- any two absences during that period count. Because I frequently have long waiting lists for my classes, I will drop students after their second absence so that those who are on the waiting list and have been attending regularly may be admitted.

If you must be absent and want to stay in the class, please email me.

Email
You may e-mail me at kathryn.pieplow@colorado.edu or kwp.pwr@gmail.com. I will ask for your email address during the first week of classes. Please make sure that I have a current email address - for an account you check frequently. It does not have to be your CU account - it just has to be current and used daily. You will use email to communicate with me and your classmates, to receive changes in assignments or answer questions, and to exchange drafts and comments, to receive critical information, and to access Google Docs.

All CU students have Internet access and e-mail accounts through the University. You can always access your e-mail...
NOTE: I generally do not access my email after about 5:00 in the evenings. If you have a question about the next day's assignment, ask it early. In my experience, I go to bed "early" and you get up "late." Be aware that this not a good combination for a question asked at midnight such as "where is the reading for class tomorrow morning?"

English as a Second Language
If you speak English as a second language, you should contact me the first week of classes so that I can better assist you in the course, advise you about special ESL courses, and/or refer you to appropriate services on campus.

Grading
I require a portfolio in this class, and you have the opportunity to revise your larger assignments up until the portfolio is handed in at the end of the semester. However, the portfolio grade is only part of your final grade. I assign provisional or "pencil" grades to your writings throughout the semester. I also weight your assignments as some assignments take longer, involve appropriate research and require extensive revision. Therefore, I give roughly equal weight (1/10th of your final grade) to the following categories of assignments:

• Daily work & participation (15%)
  ○ Quizzes, daily assignments
  ○ drafts (hard copies) brought to class
  ○ online drafts and comments posted on time
• Moot court assignment sequence
  ○ legal memorandum (20%)
  ○ appellate brief (20%)
  ○ oral argument (10%)
• Rhetorical analyses (10%)
• Judicial opinion - final exam (5%)
• Workshops (20%)
  ○ in-class discussions
  ○ workshops (critiquing in class, class prep, written comments on line for peers)
  ○ revision logs
  ○ editing team evaluations (co-counsel)

I use two different grading schemes. First, much of what we do on a daily basis in class is process work – going through the steps that help us revise and look at our work multiple times. This work is usually graded with a $\checkmark$, $\checkmark+$ or $\checkmark-$ I read these papers and determine whether they are satisfactory, exceptional, or perfunctory.

Satisfactory work means that you have participated in the process and done the work requested. Satisfactory work is roughly equivalent to an "A" and will receive a $\checkmark$.

Exceptional work is specific, probing, inventive, risk-taking, surprising, scrappy, or incisive in its thinking. An exceptional piece of work might include all of those adjectives or only a couple. Exceptional work will receive a $\checkmark+$.

An assignment that looks as though it has been done in the UMC five minutes before class is perfunctory. For example, a peer comment that skims the surface and offers little more than generalizations without making concrete suggestions for improving the writing is perfunctory and will receive a $\checkmark-$.

No response – failure to complete or turn in the assignment – will receive a 0.

Second, your written papers will be given a letter grade: A (100-90), B (89-80), C (79-70), D (69-60) and F. Although we stress the process of writing in this class, we also must produce a product that compares to what others produce.

It is difficult to earn an "A" in my classes, and "earn" is the operative word in my grading philosophy. Writing is a skill; one that can always be improved. There is no perfect paper, no 100%, except on the rare quiz. Therefore, in my classes, you must come up to the standards set. A "C" is the dividing line between adequate work and inadequate work – you have completed the assignment but there is nothing unique or insightful about it. A "B" demonstrates good work. An "A" is outstanding, exceptional and rare work; it is definitely not the norm.

I rarely "deduct" points because you haven't earned any points when I start to grade. Exceptions are several important writing/legal conventions:

- periods and commas must be inside quotation marks
- case names must be italicized
- entities (things with "life") must be capitalized – the First Amendment, the Constitution, the Supreme Court, etc.
- papers must be on time

Honor Code
All students of the University of Colorado at Boulder are responsible for and adhering to the academic integrity policy of this institution. Violations of this policy may include cheating, plagiarism, academic dishonesty, fabrication, lying, bribery, and threatening behavior. I will report all incidents of academic misconduct to the Honor Code Council. Students who are found to be in violation of the academic integrity policy will be subject to both academic and non-academic sanctions (including but not limited to university probation, suspension, or expulsion). Additional information may be found at http://www.colorado.edu/policies/honor.html and http://www.colorado.edu/academics/honorcode.

Military Obligation
Please give me as much advance notice as possible if you must be absent to fulfill a military obligation. You will need a note from an officer verifying the reason for your absence. You will also need to arrange in advance for any work that needs to be completed.

"Off campus" Library access - VPN dialer
If you live off campus, you should arrange for what is called "off campus access." The instructions for obtaining off campus access are on the Norlin library website. Off campus access makes the library think you are on campus, which means you can access anything available through the library electronically any time of day or night. It takes about 10 minutes to set up off campus access – and ITS can talk you through it.
Participation & Workshopping
You are expected to attend class and attendance is a percentage of your final grade. Much of what we do in class cannot be duplicated. Because this is not a lecture class, there are few notes you can get from a friend. Please read the Attendance Policy above.

Participation is more than just showing up. This is a WORKSHOPPING class. In a writing workshop, participation entails preparation and timely distribution of drafts, revision efforts, quality of discussion and comments in class, group cooperation, and more.

You are expected to come to class prepared – this means having read that day’s assignment and having prepared any written work or commentary assigned. There are assigned readings from time to time, but your written work comprises much of the content for this course. Furthermore, as a member of the workshop, you have made a commitment to serve as an active critic. If you come unprepared, I will lower your participation grade for that day.

If you are absent when your work is scheduled to be workshopped or if your draft is late, your draft will not be workshopped, and you will receive a zero for that day.

Full credit for participation requires high achievement: to receive full credit, you must demonstrate leadership skills, including respect for your peers, engagement in class activities and inclusion of others in those activities.

If you do not attend class, interact only with some class members, fail to contribute to class discussions, or disrupt class, you will receive less than full credit for participation.

Permission to Use Work
Enrollment in a course offered through the Program for Writing and Rhetoric implies permission to reproduce and use any part of a student’s writing for educational purposes. Any writing used will be used anonymously.

Plagiarism
It is my policy in all my classes to fail anyone who engages in “academic dishonesty.” Academic dishonesty includes, among other offenses, plagiarism of the writing or ideas of others, improper citation, cheating on exams, falsification and fabrication of data, and submitting the assignments or papers of others as your own.

One type of academic dishonesty is plagiarism. Plagiarism is adopting or using someone else’s words or ideas without proper attribution. Incidents of plagiarism are serious offenses and will be dealt with accordingly. Please see the section above on “Honor Code.”

Religious Observances
Campus policy regarding religious observances requires that faculty make every effort to reasonably and fairly deal with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. In this class, please notify me at least one week in advance so that suitable schedule accommodations can be made. See full details at http://www.colorado.edu/policies/fac_relig.html.

Sexual Harassment
The University of Colorado at Boulder policy on Discrimination and Harassment, the University of Colorado policy on Sexual Harassment and the University of Colorado policy on Amorous Relationships applies to all students, staff, and faculty. Any student, staff or faculty member who believes s/he has been sexually harassed should contact the Office of Sexual Harassment at 303-492-2127 or the Office of Judicial Affairs at 303-492-5550. Information about the OSH and the campus resources available to assist individuals who believe they have been sexually harassed may be found at http://www.colorado.edu/odh.

Syllabus
According to dictionary.com, a syllabus is “an outline or other brief statement of the main points of a discourse, the subjects of a course of lectures, the contents of a curriculum, etc.” My formal syllabus is comprised of two parts: course policies and a schedule. In addition, there are separate, formal assignment sheets for all major (and some minor) assignments. The syllabus, schedule, all assignments and readings are available on the blog: http://www.kathrynpieplow.pwrfaculty.org/

As long as you have a computer, you will have access to them 24/7. If there is anything you would like more information on, please do not hesitate to ask me.

Texts: another word
All of the readings for this class will be available to you electronically through the blog. http://www.kathrynpieplow.pwrfaculty.org/

Bring a copy – paper or electronic – of any assigned reading. It is extremely difficult to analyze or discuss something from memory.

I suggest you have a writing handbook or website where you can go to answer citation and grammar questions. There are many good handbooks out there – make sure you have one with sections on MLA or APA citation.

I recommend:
Diane Hacker, A Pocket Style Manual (5th edition)
Purdue’s Online Writing Lab http://owl.english.purdue.edu/owl/

Writing Center
We have a wonderful writing center here at CU. Trained instructors will help you at any stage of the writing process, from creating a plan for what to write to learning how to use commas properly. But go to the Writing Center prepared. Take your assignment sheet and any related handouts, peer or teacher feedback on your drafts. The more the Writing Center consultants know, the more help they can be in. Two things to remember, however. First, you need an appointment (which you can make online at www.colorado.edu/pwr/writingcenter.html). Second, the later it gets in the semester, the busier the Writing Center gets. So plan ahead! The last couple of weeks of the semester, the Writing Center puts on extra staff, but is still always full.
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WEEK 1: THE SPECIALIZED LANGUAGE OF THE LAW

Monday 1.10.11
Introduction to the course

Wednesday 1.12.11
For class …
DUE … completed take-home quiz on Syllabus questionnaire
READ … Google Docs Setting up an Account
… Google Docs: A love Letter
http://www.youtube.com/watch?v=A7y7NaWxEM

In class …
Getting acquainted
Rhetorical situation/purpose/context
Google Docs
Revision logs

Friday 1.14.11
For class …
READ …
(1) Macrori – “The Poison Fish”
(2) Macrori – “The Language in You”
(3) Romm – “Hereinunder”
(4) Ludlow – “Legalese”
(5) Mark Twain Life on the Mississippi, Chapter 8

In class …
Discuss readings

Blog … Specialized Languages

WEEK 2: WHAT IS LAW?

Monday 1.17.11
MARTIN LUTHER KING DAY – NO CLASS

Wednesday 1.19.11
For class …
READ …
(1) Feinberg & Coleman – “Introduction” to Philosophy of Law
(2) Grossfeld & Eberle – Patterns of Order in Comparative Law (Sections I - IV, VI and XI)
(3) Critical Legal Studies

In class …
What is law? where does it come from?

Blog … Philosophy of law

WEEK 3: RHETORICAL ANALYSIS & REVISION

Monday 1.24.11
For class …
READ …
(1) Macrori – “The Poison Fish”
(2) Macrori – “The Language in You”
(3) Romm – “Hereinunder”
(4) Ludlow – “Legalese”
(5) Mark Twain Life on the Mississippi, Chapter 8

In class …
Discuss readings

Blog … Specialized Languages

Monday 1.21.11
READ …
(1) Frank – “Legal Realism”
(2) Fuller – “Eight Ways to Make Bad Law”
(3) Altman – Rule of Law
BRING (be able to access) a copy of the rhetorical analysis heuristic on the blog

In class …
What is rhetorical analysis?
Using rhetorical analysis to answer “what is the rule of law”?

Blog … Philosophy of law

Friday 1.21.11
For class …
READ …
(1) Frank – “Legal Realism”
(2) Fuller – “Eight Ways to Make Bad Law”
(3) Altman – Rule of Law
BRING (be able to access) a copy of the rhetorical analysis heuristic on the blog

In class …
What is rhetorical analysis?
Using rhetorical analysis to answer “what is the rule of law”?

Blog … Philosophy of law

Friday 1.28.11
For class:
READ …
(1) Murray – “Internal Revision”
(2) Murray – “The Maker’s Eye”
(3) Romano – “An Ally in Others”
(4) Ballenger – “The Importance of Writing Badly”
POST revised draft 2 of Seidman

In class:
What is revision?
Workshop draft 2 – 4S plan

Next class … complete comments on Google docs using 4S plan…write final draft
Revision log … 4S plan
WEEK 4: INTRO TO MOOT COURT * PUBLIC POLICY

Monday 1.31.11

For class:
DUE: final draft Seidman rhetorical analysis - hard copy
    Editing team evaluations – hard copy only
READ… sample fact pattern and memo on Restorative Justice

READ …
(1) Pieplow “Public Policy”
(2) Edwards “Persuading Using Public Policy Reasoning”
(3) Stone – Intro pp 6-14
(4) Stone – Goals, Equity pp 37-42 (not last 2 para)
(5) Stone – Efficiency pp 61-66
(7) Stone – Liberty pp108-114

In class:
What is public policy?
Who makes public policy?
What are the public policy issues around restorative justice (sample fact pattern)?

Wednesday 2.2.11

For class:
READ  fact patterns …
    AIDS House, Funeral Protests, Handguns, Immunizations, Kennewick Man, Single-sex Schools & Takings
LIST preferences on Google Docs

READ …. 
• Moot Court overview assignment
• Legal Memo assignment
• Annotated Bibliography assignment
• Matrix assignment
READ … materials on legal writing
• Levi “Introduction to Legal Reasoning”
• Edwards: Legal reasoning, ethics & plagiarism
• Neumann: Professional Creativity
REVIEW … sample legal memo on Restorative Justice
WATCH … research videos

Next class … POST list of keywords & disciplines
Blog … Legal writing

In class:
Introduction to moot court assignments
Research strategies & tools

Friday 2.4.11

For class…
No reading assignment!!!

In class:
Make case assignments for memo
Genre analysis of legal memo
Research strategies continued
Small group work

WEEK 5: LEGAL REASONING & RESEARCH

Monday 2.7.11

For class …
READ:  • Foley & Robins  – “Fiction 101”
• Neumann “working with Facts”
POST: keywords & disciplines
COMPLETE “Material facts” worksheet on Google Docs

In class …
Workshop Material Facts worksheet
Blog … Person, Place or Thing

Wednesday 2.9.11

In class …
LIBRARY SEMINAR – meet in Norlin E303

Friday 2.11.11

For class:
Be working on research, annotated bibliography & matrix
Meet in the computer lab _____

Revision log … mSp memo 1.1

WEEK 6: RESEARCH

Monday 2.14.11

For class:
DUE … draft of your annotated bibliography and matrix
READ … Posner The Little Book of Plagiarism

In class:
Citation exercise – work on in class

Wednesday 2.16.11

For class:
CONTINUE RESEARCH

Blog … Plagiarism & Citation

Friday 2.18.11

For class:
POST: respondent’s memo draft 1.1 FACTS

In class:
Workshop facts – reading out loud

Revision log … mSp memo 1.1

In class:
In class research
WEEK 7: LEGAL MEMO & MORE REVISION

Monday 2.21.11
For class:
REVISE... fact section
POST... Memo draft 1.2 DISCUSSION/ANALYSIS

In class:
Workshop discussion section

Revision log ... m&p memo 1.2

Wednesday 2.23.11
For class:
REVISE ... discussion/analysis section
BRING ... draft 1.3 RECOMMENDATIONS

In class:
Workshop recommendations

Revision log ... m&p memo 1.3

Friday 2.25.11
For class:
REVISE ... recommendation section
POST ... complete memo draft 2

BRING 2 sentences from your memo that bother you or
that aren’t working for some reason.
  • Put each sentence at the top of piece of paper –
  bring 2 pages !!!

In class:
Writing exercises

Revision log ... conference

WEEK 8: LEGAL MEMO & CITE CHECKING

Monday 2.28.11
For class:
POST ... comments to draft m&p memo 1.2 draft 2
BRING
1) hard copy draft 2 for you - or have electronic access
2) your research materials – on paper – or your
computer for internet access

INDIVIDUAL CONFERENCES
ON LEGAL MEMOS

Wednesday 3.2.11
For class:
POST memo draft 3

INDIVIDUAL CONFERENCES
ON LEGAL MEMOS

In class:
Finish cite checking legal memos

Revision log ... cite checking

Friday 3.4.11
For class:
COMPLETE: peer review for draft 3
REVISE ... using one additional strategy not used in class

In class:
Workshop draft 3 – reading backwards

Revision log ... strategy of choice
  ... reading backwards

WEEK 9: INTRODUCING THE LEGAL BRIEF & AUDIENCE

Monday 3.7.11
For class:
DUE:
1) final legal memo
   • one hard copy
   • conference draft
2) Annotated Bibliography (hard copy or Google Docs)
3) Matrix (Google Docs)
4) POST final memo under “case filings” on Google Docs
5) POST research for under “research” on Google Docs

READ:
• Duke – Petitioner’s Brief
• Neumann “How judges read appellate briefs”
• Neumann “statement of the case [facts]”
• Neumann “persuasive theory”
• Argument strategies
• Neumann “Questions presented”
• Edwards: Ethics, judges & briefs
• Sample briefs

In class:
Introduce Petitioner’s brief
Genre analysis - legal briefs
Audience analysis – writing to judges

Wednesday 3.9.11
For class:
RESEARCH/WRITE ZERO DRAFT OF BRIEF
READ ... 
  • Frank – Chapter VIII: The Jury System
  • Willig “Jury Duty”
  • O’Connor – “Juries: They May be Broke but we can fix them” [optional]
READ jury diary assignment

In class:
Jury experience

Blog ... Jury diary
### WEEK 10: JURY EXPERIENCE / PERSUASION

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<td>Friday</td>
<td>Research/write zero draft of brief</td>
<td>Jury experience</td>
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<td>Spring Break</td>
<td>SPRING BREAK 3/21 – 3/25</td>
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### WEEK 11: MORE REVISION STRATEGIES

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### WEEK 12: LEGAL BRIEF CONTINUED

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**CONFERENCES – BRIEFS**

- Monday 4/4 - Wed 4/6

**Blog ...** rhetorical analysis of CWA
### WEEK 13: JUDGING & AUDIENCE ANALYSIS

#### Monday 4.11.11
**For class:**
READ

- Biskupic “Justices make points”
- Neumann Oral Argument
- Miner Don’ts of Oral Argument
- GW moot court problem

READ assignment - oral arguments

**In class:**
Moot Court oral arguments – George Washington Univ.

#### Wednesday 4.13.11
**For class:**
READ

- judging assignment
- “A Short Essay on Judging”
- Posner – *How Judges Think*: Introduction

**In class:**
Group preparation for oral arguments

Revision log ... judicial philosophy

#### Friday 4.15.11
**For class ...**
READ

- Kerr – How to Read a Judicial Opinion
- Judicial Writing Manual, appendices A, D, E (sample language)
- Samples ... find your own at ....
  
  - [http://www.ca8.uscourts.gov/opns/opFrame.html](http://www.ca8.uscourts.gov/opns/opFrame.html) [8th circuit]
  - Bronakowski v. BVSD
  - Sierra Club v. Kimbell
  - US v. Hines

**In class ...**
How to think and write like a judge

### WEEK 14: ORAL ARGUMENTS

#### Monday 4.18.11
**In class:**
Oral arguments

#### Wednesday 4.20.11
**In class:**
Oral arguments

#### Friday 4.22.11
**In class:**
Oral arguments

### WEEK 15: ORAL ARGUMENTS

#### Monday 4.25.11
**In class:**
Oral arguments

#### Wednesday 4.27.11
**In class:**
Oral arguments

#### Friday 4.29.11
**In class:**
Oral arguments

### FINAL EXAM

#### Wednesday 5.4.11
**In class:**
Oral arguments

FINAL EXAM - drafting a judicial opinion