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 four basic legal genres – legal memoranda, appellate briefs, oral arguments, and judicial opinions. In preparation for writing in these legal genres, we focus extensively on invention: examining facts, identifying issues, researching and writing for the class. The fact patterns vary from semester to semester, and are listed on the Schedule. 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.

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, and sentence-level writing exercises. In addition, you meet one-on-one with the instructor three times during the semester to workshop drafts. Finally, you extend your 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 aspect of public policy and its effect on 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 writing a judicial opinion and 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.

As a result, perhaps the most important application of the class comes from our focus 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.
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. A fourth legal genre, the judicial opinion, is your final exam.

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 your 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, written analyses of the legal genres you will write, and a reflective judicial philosophy paper written in preparation for judging oral arguments. Throughout the semester, you write reflectively on the writing process, primarily through keeping a log of the revision strategies you use and their usefulness.

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 the schedule as well as assignments and readings grouped by subject. The schedule lists all activities by date. Note: the schedule will change over the course of the semester.

### Texts and Materials:

**Law as a response to society, culture & place** –
- “Introduction” to *The Philosophy of Law* by Joel Feinberg and Jules Coleman
- Leiter “American Legal Realism”
- Gordon “Law and Ideology”
- “Patterns of Order in Comparative Law” by Bernhard Gomrsfeld and Edward J. Eberle

**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** –
- “Writing to Persuade” by Pattison
- “Thinking like a Journalist” by Temple
- “Passion and Reason” by Abrams
- *West VA State Board of Educ v. Barnette*
- 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
- Bruce Ballenger
- Ken Macrori
- Tom Romano

### Assignments: Overview

The basic structure of this class is as a moot court. We spend the first three weeks studying the law as public policy. The remainder of the semester is spent primarily on...
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 Drive, 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.

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 Drive. 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.

A missed conference counts as a missed class.

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 Drive.
• Final drafts are to be typed and double-spaced. Fonts must be no larger than 12 points.
• Back up your work. You are responsible for having the required documents at the required times. Google Drive 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 workshopping.
• 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, unless otherwise stipulated, 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 kwp.pwr@gmail.com or kathryn.pieplow@colorado.edu. 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 Drive.

All CU students have Internet access and e-mail accounts through the University. You can always access your e-mail account and access the Web from campus. If you don’t have access or are having problems, please call ITS.

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
You have the opportunity to revise your larger assignments up until last class of the semester. I will assign a final grade to your writings throughout the semester which will stand unless you revise.

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 and worksheets
  - daily assignments
  - in-class discussions
- Moot court assignment sequence
  - legal memorandum (20%)
  - appellate brief (20%)
  - oral argument (10%)
- Rhetorical analysis paper (10%)
- Judicial opinion - final exam (5%)
- Workshops (20%)
  - workshops (critiquing in class, class prep, written comments on line for peers)
  - drafts (hard copies) posted/brought to class
  - online drafts and comments posted on time
  - 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 ✓, ✓+ or ✓-.

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 ✓.

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 ✓+.

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 ✓-.

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; 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 or knowing 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’s workshop.

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 my website: 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.
course policies

The schedule is arranged chronologically, with periodic adjustments so current assignments are towards the top. A quick way to find a specific assignment is to use control <F> and search for the assignments by name.

Week 1

1.16.13
- 3020 questionnaire (2013) – hard copy due
- syllabus quiz 2013 – hard copy due
- Sign up for a Google Drive account – if you don’t already have one
  - locate all the information you need at http://digitalwriting101.net/content/category/using-digital-tools/using-google-docs/
  - how to sign up
  - sharing files
  - finding files
- Naming files in Google Drive
  - extra – Google Docs: A Love Letter
  - I’ve shared the class file with you on Google Drive. You will find it under “shared with me.” You must drag and drop it into your “MY DRIVE” folder in order to be able to use the file for class.
- fastwrite image

1.18.13 specialized language

READ...
- Macrori “The Poison Fish”
- Macrori “The Language In You”
- Romm “Hereinunder”
- Ludlow “Legalese”
- Twain Life on the Mississippi chapter 8
- Harrison “Lawyer as Professional Writer”
- worksheet 1: language
- EXTRA .. “In a Fragmented Cultureverse...”

IN CLASS...
- Berger “To take paper, to draw” – the complete reading (optional)

Week 2
1.21.13  NO CLASS – MARTIN LUTHER KING DAY

1.23.13  *philosophies of law*

READ ....

- Feinberg & Coleman – Philosophy of Law
- AQUINAS ON LAW excerpts
- positivism
- Leiter – "American Legal Realism" – [follow the link] READ pages 1-9
- Gordon “Law and Ideology” – (critical legal studies) – pages 15-18  [I’ve noted where to start and stop]
- Grossfeld & Eberle “Patterns of Law”

DUE ... worksheet 2 philosophy of law

1.25.13  *beginning rhetorical analysis*

READ ...

- Frank “Legal Realism”
- Fuller “8 Ways to Make Bad Law”
- REVIEW & BRING/ACCESS – Smith Questions for rhetorical analysis
- optional – there are several other heuristics for rhetorical analysis on the “revision” page of this website

DUE ... worksheet 3: rhetorical analysis [Frank & Fuller]

**Week 3**

1.28.13  *rhetorical analysis 1*

READ ...

- Seidman “Some Stories About Confessions and Confessions About Stories”
- Assignment – rhetorical analysis
  - for samples, check the “assignment page” of this website
- Fowler “Charting Methods”

COMPLETE ...  Seidman worksheet

1.30.13  *reading about revision*

READ ...

- Murray “The Makers Eye”
- Murray “Internal Revision”
- Ballenger “The Importance of Writing Badly”
- Romano “An Ally in Others”

REVIEW ...

- Revision Log [Google Drive]
- Revision page on this website

2.1.13  *rhetorical analysis 2*
No later than Feb. 4, you should POST WRITTEN COMMENTS to your peer authors on Google Docs using Smith's Handouts to guide your thinking. Be sure your comments are either (1) clearly labeled by file name and posted in the AUTHOR’S file or (2) if using the author’s draft, your comments are in comment bubbles or a different colored or style font. REMEMBER: your author has to be able to see your comments and I have to be able to find them quickly in order to give you proper workshopping credit.

Week 4

2.4.13 genre analysis 1

READ ... legal writing

- Pattison “Writing to Persuade”
- Temple “Think like a journalist”

READ ... legal reasoning

- Levi “Intro to legal reasoning”
- Edwards – legal reasoning, ethics & plagiarism
- Neumann “Professional creativity”

READ ... legal audiences

- Typo-prone Lawyer
- Abner v. Scott Memorial - Judge Posner’s scathing opinion rejecting an oversized brief

COMPLETE ... worksheet: Intro to legal writing [and reasoning]

We will have one-on-one conferences on your second draft of the Seidman rhetorical analysis on Feb. 5 and 6. Sign up on Google Drive.

2.6.13 fact patterns

READ ... fact patterns - on Moot Court page
POST ... your preferences on Google docs
(1 is your first choice; 7 is your last choice)

REVIEW ...

- moot court assignment overview
- legal memo assignment
- annotated bibliography
- matrix assignment - this is the assignment for my first year classes, but it has an explanation and example

WATCH ... research videos on advanced information technology

- SEARCH STRATEGIES  http://www.youtube.com/view_play_list?p=A834DCCA016C5ED4
- ORGANIZING INFORMATION  http://www.youtube.com/view_play_list?p=FC17A4269BA440EA

2.8.13 genre analysis 2
READ ... writing legal memos

- Neumann “Office memoranda”
- Edwards – memos & law-trained readers
- Sample memos

REVIEW .... genre analysis form

Week 5

2.11.13  public policy

READ .... public policy

- Pieplow “public policy”
- Edwards “Policy-based reasoning”
- Stone “Policy Paradox” Intro [pp 6-14]
- Stone – goals, equity [pp 37-42]
- Stone “Efficiency” [pp 61-66]
- Stone “Security” [pp 86-98]
- Stone “Liberty” [pp 108-114]

REVIEW .... sample fact patterns [restorative justice & Muslim veil]

COMPLETE ... worksheet public policy

2.13.13  working with facts

READ ...

- Foley & Robbins “Fiction 101”
- Neumann “Working with facts”
- your fact pattern

COMPLETE ... worksheet facts

MAKE A COPY OF FACT ANALYSIS TEMPLATE on Google Drive

- post under your case name
- you’ll fill in the chart in class with your co-counsel

COMPLETE ... list of keywords and disciplines (work with your co-counsel)

2.15.13  library seminar

- LIBRARY SEMINAR ~ meet in Norlin E303
- DUE Seidman rhetorical analysis
  - hard copy of final draft
  - conference draft
  - Seidman – what’s due 2012
  - editing team evaluations
  - revision log

Week 6
2.18.13
IN CLASS ... research day

2.20.13
IN CLASS ... research day

2.22.13
RESEARCH ... legal memo
READ ...  Posner “Little Book of Plagiarism”
IN CLASS ... cite checking exercise

Week 7

2.25.13
IN CLASS .... complete cite checking exercise

2.27.13
REVIEW ...
  - matrix assignment
  - synthesis matrix

POST ... on Google Drive
  - annotated bibliography (draft – corrected and amended drafts due with final memo)
  - matrix (draft – corrected and amended drafts due with final memo)

3.1.13
  - POST legal memo draft 1.1 (facts)

IN CLASS ..... 
  - WORKSHOP ~ reading out loud ~ answer guided questions on Google Docs
  - memo 1.1 [facts] peer review questions

Week 8

3.4.13
REVISE fact section
POST legal memo draft 1.2 (discussion/analysis)
IN CLASS ..... 
  - WORKSHOP ~ reading out loud ~ answer guided questions on Google Docs
  - memo 1.2 [analysis/discussion] peer review questions

3.6.13
REVISE analysis section
POST legal memo draft 1.3 (recommendations)
IN CLASS ....

- WORKSHOP – reading out loud – answer guided questions on Google Docs
- memo 1.3 [recommendations] – peer review questions

3.8.13 sentence level work

REVISE recommendation section
POST legal memo draft 2
BRING 2 sentences from your legal memo that bother you or aren’t working for some reason. Write each sentence at the top of a separate piece of paper – 2 pages.

Conferences on your second draft of the legal memo will be on March 12~14. Sign up on Google Drive.

Week 9

3.11.13
POST comments on draft 2 for co-counsel

- use Critical Thinking Standard sheet

BRING / BE ABLE TO ACCESS

- citation handbook [OWL at Purdue]
- all research materials

IN CLASS – cite checking discussion sections

3.15.13
POST legal memo draft 3
COMPLETE 1 additional peer review for co-counsel
(use a technique not used in class)
IN CLASS – reading backwards

3.13.13

DUE: FINAL LEGAL MEMO

- WHAT’S DUE FOR LEGAL MEMO [follow the sheet, not this quick list]
- legal memo – hard copy
- conference draft – hard copy
- Annotated Bibliography & matrix – if not Google docs
- editing team evaluations – hard copy only
- Revision Log

POST final memo under "case filings" on Google Docs
POST research for under "case filings" on Google Docs

Week 10
3.18.13

READ .... switching genres: legal briefs

- Alito – Prep more important than oral argument
- Duke Writing Briefs
- Neumann “How judges read briefs”
- Neumann “Statements of the Case” [facts]
- Neuman Persuasive Theory
- Argument strategies
- Neumann “Questions presented”
- Haggard – questions presented
- Edwards “Ethics, Judges and Briefs”
- Hankinson “Issue Drafting/Spotting” - read about three formats for Questions Presented pages 1-4 (11-14 of 48 – there are lots of examples which make this article exceedingly long)

COMPLETE .... WORKSHEET – legal briefs

3.20.13 writing with reason v. passion

READ ....

- Abrams “Reason and Passion” part I
- Abrams “Reason and Passion” part II
- West VA State Board of Educ v. Barnette - pages 1-6 (need not read concurrences or dissents)

REVIEW .... Fowler “Charting Methods”
CREATE .... a T-chart analyzing the Barnette opinion for reason and passion
COMPLETE ....

- reason & passion exercise - you can use these sheets to analyze each of Jackson’s counterarguments to the 4 Gobitis arguments and how he concludes his opinion in Barnette

3.22.13 analyzing the legal brief

DUE ... genre analysis of legal brief (use genre analysis long form)

March 25 – 29 Spring Break

Week 11

4.1.13

REVIEW ..... Neumann “Statements of the Case” [facts]
POST .... BRIEF 1.1 [statement of the case]
IN CLASS .... WORKSHOP ~ reading out loud ~ POST on Google Drive

- brief 1.1 [statement of the case] — peer review questions

4.3.13

REVISE .... fact section
REVIEW ...
Neumann “Persuasive Theory”
Argument strategies

POST BRIEF 1.2 [argument & conclusion]
WORKSHOP ~ reading out loud ~ answer guided questions on Google Drive

- brief 1.2.1 [argument] - reverse outline and transition check

4.5.13
CONTINUE WORK ... on draft 1.2 [argument section]
REVIEW ...

- Neumann “Questions presented”
- Haggard – questions presented

POST ... petitioner’s brief 2 [including 1.3 questions presented]
IN CLASS ... WORKSHOP ~ reading out loud ~ answers on Google Docs’

- Questions presented & Conclusion -brief 1.3

Conferences on your second drafts of the legal brief on April 8-10. Sign up on Google Drive.

Week 12

4.8.13

POST ... brief ~ draft 2
IN CLASS .... WORKSHOP using Critical Thinking Standard sheet - comments should be posted on Google Drive

4.10.13

IN CLASS .... WORKSHOP using strategy of choice

4.12.13

DUE ... legal brief

- what’s due sheet
- [follow the assignment sheet, not this quick list below]
  - petitioner's brief – hard copy
  - conference draft – hard copy
  - POST final brief under “case filings” on Google Docs
  - editing team evaluations – hard copy only
  - Revision Log

IN CLASS – talking about oral arguments

Week 13

4.15.13

READ ....
Biskupic “Judges make points”
Neumann “Oral Argument”
Miner “The Don’ts of Oral Argument”
GW Moot Court problem
You Tube – Chief Justice Roberts talks about oral argument, emphasizing how to handle questions from the bench.

REVIEW ...

oral argument assignment
judging oral argument
judicial opinion – final exam

IN CLASS .... DVD of moot court oral arguments held at Geo. Washington [CNN]

4.17.13

READ ....

Posner “How Judges Think”
Pieplow – A Short Essay on Judging
judicial philosophy paper - assignment

DUE .... judicial philosophy paper [hard copy]

4.19.13

READ ....

Kerr “How to Read a Judicial Opinion”
Judicial Writing Manual
  pp 1-5 ... audience and purpose
  pp 9-10 ... preparation
  pp 13-20 ... parts / contents of the opinion
  Appendix A – memorandum opinion
  Appendix D – concluding paragraphs
  Appendix E – dissenting opinions

SAMPLE OPINIONS ....

Bronakowski v. BVSD
Sierra Club v. Kimbell
US v. Hines
find your own opinions at . . .
  10th Circuit
  8th Circuit

HARD COPY DUE written genre analysis of judicial opinion (genre analysis long form)

Week 14

4.22.13

oral arguments ~ Wolf Law Bld 102 Carrigan Teaching Courtroom
4.24.13
- oral arguments ~ Wolf Law Bld 102 Carrigan Teaching Courtroom

4.26.13
- oral arguments ~ Wolf Law Bld 102 Carrigan Teaching Courtroom

**Final Exam:**
**READ ... judicial opinion – final exam**
**Email your judicial opinion no later than 48 hours after the oral argument in the case**

**Week 15**

4.29.13
- oral arguments ~ Wolf Law Bld 102 Carrigan Teaching Courtroom

5.1.13
- oral arguments ~ Wolf Law Bld 102 Carrigan Teaching Courtroom

5.3.13
- oral arguments ~ Wolf Law Bld 102 Carrigan Teaching Courtroom