WRTG 3020: Conversations on the Law  
Spring 2014  
http://www.kathrynpieplow.pwrfaculty.org/

**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 rhetoric and invention: observing the legal community, examining methods of persuasion, evaluating facts, identifying issues, researching and analyzing the possible solutions to a variety of public policy issues. You will identify the requirements of the various legal genres, thereby revealing the values, goals and assumptions of the larger community. You practice how stance, 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 (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.

**Content Knowledge & Critical Thinking:** 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. You will demonstrate your ability to analyze, 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 performing 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 can be found on the class website. Each student will work with three of the six fact patterns for the semester in different capacities. 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 because you are undergraduate students, the fact patterns cannot be too “legal” as you 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 civicly engaged society, whether law-trained or not.

**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 two times during the semester to workshop drafts. Finally, you extend you mastery of features style, syntax, grammar, punctuation, and spelling to write persuasively.

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– and by appointment  
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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 to explore several genres used by the legal community. We use 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. You will participate in oral arguments as both counsel and judge, and write a judicial opinion. In addition, you will analyze writings by legal professionals rhetorically. 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, as its own creation and a civilizing force, and as conceptualized by those inside and outside of the profession.

**Technology:**  
Electronic technologies play an important role in the course. We use print and electronic resources to prepare for writing legal genres, locating information and analyzing it for accuracy, relevance, credibility, reliability and bias. We also post, edit, and comment on drafts using Google
Drive. 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
- Leiter “American Legal Realism”
- Gordon “Law and Ideology”
- “Patterns of Order in Comparative Law” by Bernhard Gossfled and Edward J. Eberle

**Basic legal principles as public policy –**

- “An Introduction to Legal Reasoning” by Edward Levi
- “Eight Ways to Make Bad Law” by Lon Fuller
- “Legal Realism” by Jerome Frank
- *Policy Paradox* by Deborah Stone (selections)
- “5 Types of Legal Arguments” by Wilson Huhn

**Defining legal genres and audiences –**

- “The Lawyer as Professional Writer” by Brandon Harrison
- “Writing to Persuade” by Bryan Pattison
- “Thinking like a Journalist” by Hollee Temple
- *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 Orin Keer
- *Judicial Writing Manual*
- Selected judicial opinions

**Writing process & rhetorical analysis –**

- Don Murray
- Bruce Ballenger
- Donna Kain
- Louis Michale Seidman “Stories about Confessions and Confessions about Stories”
- Ken Macrori
- Tom Romano
- Elizabeth Wardle

**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 rhetorical principles and three basic legal genres: the legal memo (as respondent’s counsel), appellate brief (as petitioner’s counsel), and oral arguments (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 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 and realistic 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: worksheets for daily readings, rhetorical analyses of selected readings, 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 and you will keep a log of the revision strategies you use and their usefulness.

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

All of your assignments and the class schedule will be posted on the class website: [http://www.kathrynpieplow.pwrfaculty.org](http://www.kathrynpieplow.pwrfaculty.org). The site is password protected, so please contact your instructor for that information. On the WRTG 3020 page, you will find the assignment schedule as well as links to assignments and readings grouped by due date. On the MOOT COURT page you will find assignments and readings grouped by subject. **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. 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-).

If you miss more than nine (9) classes, you will fail the course.

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.

Being more than 10 minutes late equals an 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 and 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 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 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).

Confereces

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 in class.
- Late assignments 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 posted in the appropriate file on Google Drive, 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 loose 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 is not a good combination for a question asked at midnight such as “where is the reading for class tomorrow?”

**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 (15%)
- Rhetorical analysis paper (10%)
- Judicial opinion - final exam (5%)
- Workshops (15%)

- 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 ✓-.

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 ✓.

**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 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
- 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](http://www.colorado.edu/policies/honor.html) and [http://www.colorado.edu/academics/honorcode](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
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.

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.

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.

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.

Texts: another word
There is no textbook for this class. All readings can be found on the class website: http://www.kathrynpieplow.pwrfaculty.org

Writing Center
We have a wonderful writing center here at CU. Trained writing tutors 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. 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.