LEGAL WRITING & ANALYSIS
LAW 1050

Class Hours: 3.0  Credit Hours: 3.0
Laboratory Hours: 0.0  Revised: Spring 03

NOTE: This course is not designed for transfer credit.

Catalog Course Description:
An exploration of the details of objective legal writing designed to prepare students to articulate legal concepts and to draft documents in a manner reflecting legal analysis; overview of the elements of legal memoranda; introduction to reading and briefing legal opinion and persuasive writing.

Entry Level Standards:
College-level competencies in logic, reading, and English are required.

Prerequisites:
LAW 1000; ENGL 1010

Textbook(s) and Other Reference Materials Basic to the Course:
Dickerson, Darby, ALWD Citation Manual, A Professional System of Citation (Aspen, 2000)

I. Week/Unit/Topic Basis:

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<tr>
<th>Week</th>
<th>Topic</th>
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<tbody>
<tr>
<td>1</td>
<td>Introduction to Legal Principles and Authorities (3 hours)</td>
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<td>2-3</td>
<td>Introduction to Legal Analysis (2 hours)  Case Law and Case Briefing: stating the legal issue and holding (1 hour); distilling the relevant facts (1 hour); dicta v. holding (1 hour); citation (1 hour)</td>
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<td>4-5</td>
<td>Statutory Analysis (4 hours); Briefing cases – continued (2 hours)</td>
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<td>6-7</td>
<td>Citation Form and usage (6 hours)</td>
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<td>8</td>
<td>Legal Writing Process – General Considerations (1 hour); Fundamentals of Writing (2 hours)</td>
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<td>9</td>
<td>Key Facts (1.5 hours); Issue Identification (1.5 hours)</td>
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<td>10</td>
<td>Stating the Issue (1.5 hours); Case Law Application (1.5 hours)</td>
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<tr>
<td>11</td>
<td>Counteranalysis (1.5 hours); Beginning Legal Writing (1.5 hours)</td>
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<tr>
<td>12-13</td>
<td>Office Legal Memorandum – Issues and Facts (3 hours); Legal Writing continued (3 hours)</td>
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II. Course Objectives*:

A. Demonstrate a complete and thorough understanding of legal ethics. I, III, V

B. Demonstrate a complete and thorough understanding of the importance of clarity in legal writing. I, II, III, IV

C. Develop a complete and thorough understanding of the organization of a legal memorandum. I, II, III, IV

D. Draft an objective legal memorandum that identifies issues, states the facts, discusses the law, and reaches a conclusion. I, II, III, IV, V

E. Demonstrate a complete and thorough understanding of persuasive legal writing. I, II, III, IV

F. Demonstrate a thorough understanding of legal citation. I, II, III, IV

G. Demonstrate a complete and thorough understanding of the importance of distinguishing between fact and inference. II, III, IV

H. Exhibit an adequate understanding of the application of law to the facts. I, II, III, IV

I. Demonstrate ability to analyze facts. II, III, IV

J. Demonstrate ability to analyze statutory and case law. II, III, IV

K. Demonstrate ability to apply law to facts. I, II, III, IV, V

L. Continue developing a basic legal vocabulary. II, IV

*Roman numerals after course objectives reference goals of the Paralegal Studies program.

III. Instructional Processes*:

Students will:

1. Practice elements of the work ethic such as professionalism, preparedness, punctuality, honesty, cooperation, dependability, contribution, effectiveness, good manners, etc. Personal Development Outcome, Cultural Diversity and Social Adaptation Outcome, Transitional Strategy

2. Refine their writing skills and expand their legal vocabularies through completion of weekly guided writing exercises that allows them to communicate more effectively with lawyers, legal professionals, and clients. Communication Outcome, Transitional Strategy

3. Carry out course assignments such as team discussions, team case studies, experiential exercises, oral, written, PowerPoint, WordPerfect, Westlaw, Internet skills development, etc. that help develop a respect for diversity. Communication Outcome, Personal
4. Take part in course assignments such as team discussions, team case studies, experiential exercises, oral, written, PowerPoint, WordPerfect, Westlaw, Internet skills development, etc. that help develop teamwork, leadership, and followship skills. Communication Outcome, Personal Development Outcome, Problem Solving and Decision Making Outcome, Cultural Diversity and Social Adaptation Outcome, Information Literacy Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy

5. Perform course assignments such as intensive writing exercises, team discussions, team case studies, experiential exercises, oral, written, PowerPoint, WordPerfect, Westlaw, Internet skills development, etc. that help develop critical thinking, problem solving, goal setting, and planning skills. Communication Outcome, Personal Development Outcome, Problem Solving and Decision Making Outcome, Cultural Diversity and Social Adaptation Outcome, Information Literacy Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy

6. Listen to guest speakers from the legal community to learn the demands for clear legal writing in the law office. Personal Development Outcome, Problem Solving and Decision Making Outcome, Transitional Strategy

*Strategies and outcomes listed after instructional processes reference Pellissippi State’s goals for strengthening general education knowledge and skills, connecting coursework to experiences beyond the classroom, and encouraging students to take active and responsible roles in the educational process.

**IV. Expectations for Student Performance**:*

Upon successful completion of this course, the student should be able to:

1. Recognize and avoid acts that constitute unethical behavior. A
2. Write legal prose that is direct, concise, and clear. B, G, H, I, J, K, L
3. Recognize the passive voice and convert it to active voice. B, E
4. Prepare office correspondence. A, B, C, D
5. Prepare letters of representation for each client. A, B, L
8. Analyze facts of client’s case. A, I
9. Analyze case law. A, J
10. Analyze statutory law. A, J

*Letters after performance expectations reference the course objectives listed above.
V. Evaluation:

A. Testing Procedures:

1. Citation Test. All students must pass a basic citation test in order to pass the course. A passing grade on the citation test is 75%. The test will be given three times during the semester. Students may not defer taking the citation test until a later time. Students who do not pass the citation test will receive an “F” for the course regardless of grades received on other assignments. Failure by the student to take a citation test when scheduled will result in an “F” for the course, unless the student has been granted prior express permission by the instructor to take the test at a later time.

2. Supplementary Syllabus. Legal writing and other memoranda will be assigned, and will be fully explained by the Instructor’s supplementary syllabus. All work shall be expected to be typed unless otherwise instructed.

B. Laboratory Expectations:

Students should expect to study and work in the law library 2-10 hours per week to complete assignments.

C. Field Work:

N/A

D. Other Evaluation Methods:

1. All tests and papers will be graded for spelling and English usage in addition to content and format.
2. Students are evaluated on the basis of in-class projects requiring use of the stated skills. Class participation is important and will be considered in the final grade.
3. Any student encountering academic difficulty during the term is strongly encouraged to meet with the instructor to discuss options and solutions.

E. Grading Scale:

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<tr>
<th>Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A</td>
<td>93-100</td>
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<tr>
<td>B+</td>
<td>88-92</td>
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<tr>
<td>B</td>
<td>83-87</td>
</tr>
<tr>
<td>C+</td>
<td>78-82</td>
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<tr>
<td>C</td>
<td>73-77</td>
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<tr>
<td>D</td>
<td>65-72</td>
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<tr>
<td>F</td>
<td>64 and below</td>
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VI. Policies:

A. Attendance Policy:

Pelissippi State Technical Community College expects students to attend all scheduled instructional activities. As a minimum, students in all courses must be present for at least 75 percent of their scheduled classes and laboratory meetings in order to receive credit for the course. (Pelissippi State Catalog).

B. Academic Dishonesty:
Plagiarism, cheating and other forms of academic dishonesty are prohibited. A student guilty of academic misconduct, either directly or indirectly through participation or assistance, is immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions that may be imposed through the regular Pellissippi State procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination or to assign an F in the course.

C. Other Policies:

Late papers will not be accepted nor will make-up tests be given without specific approval of the instructor.