

LEGAL WRITING

Law 105; ID: 02049

Fall 2011

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Class Meeting Time: Friday 10:50
Wednesday 8:00; Friday 8:00
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I. GENERAL DESCRIPTION AND OBJECTIVES OF THE COURSE

Being able to conduct legal research and craft legal documents is a crucial skill that you should master in order to be successful in the legal profession. Fellow lawyers, judges, and clients will know you and evaluate you based on this skill. Therefore, the Legal Writing course is aimed at teaching you to develop basic legal research, analysis, and writing skills.

You will study the fundamental principles of effective legal writing and learn to apply them in the process of briefing cases, writing an academic paper, drafting a legal memorandum, client opinion letter and one procedural legal document (a complaint, motion, discovery or a settlement agreement). The written assignments will help you improve your critical thinking skills as well as understand how to perform legal analysis in practice. Most importantly, you will learn how to work with facts, statutory sources efficiently and apply law to various factual situations.

II. COURSE LEARNING OUTCOMES

Upon successful completion of the course students should be able to:

- carry out legal research, using national and international legal databases and statutory sources;
- explain the concept of plagiarism and differentiate between presenting their own ideas and plagiarizing source materials;
- develop ability to synthesize and integrate legal data;
- interpret, analyze law and apply it to various factual situations;
- construct legal arguments and perform legal analysis;
- organize writing in a coherent, structured way;
- solve legal problems and build up analytical skills;
- develop basic skills in writing academic papers;
- draft basic legal memoranda, client opinion letters and procedural court documents.

III. COURSE REQUIREMENTS AND POLICY

- (1) The class will meet twice a week. Students are **expected to come to classes prepared and be ready** to discuss the given materials. Upon the instructor's request each student has to submit his/her written assignments (case briefs, academic paper, legal memorandum, client opinion letter and procedural documents). The instructor will call on students randomly to discuss the given case or hypothetical, or to perform any other task (questions etc.).

- (2) Students are expected to **BE ON TIME** for classes. If the instructor marked the student as absent in case the student is late for class, he/she is considered to be absent for the whole class, unless excused by the instructor.
- (3) **ATTENDANCE: Class attendance is required.** If a student misses a class with an excuse, he shall provide all necessary documents to prove it within a week after he/she missed the class. If the requirements mentioned above are not observed, student's absence is considered to be unexcused. If the student misses 3 classes without excuse or 50% of the whole course (with and without excuse), the student will be given an "X" grade for the course.
- (4) **WRITTEN ASSIGNMENTS:** Due dates and times for both the research and the writing assignments are strict. If the student misses the deadline, he/she may submit the assignment at the latest before 5 PM of the next day after the deadline; in that case 1 point will be deducted from the final grade for the work (e.g., if your grade is "A" for the work, after deduction, your grade will be "B").

Extensions will not be granted except in the case of a genuine emergency. You must make the request for an extension as soon as you know of the emergency. A computer crash is **not a reason** for an extension (back up all work on at least one disk, preferably two, so that there will not be any problems).

Please, notice that all assignments must be turned in **hard copy** and posted in the AUCA **e-course** system.

- (5) Students must observe the **AUCA ACADEMIC HONESTY** policy. All types of **academic dishonesty** (cheating, plagiarism, etc.) are **strictly prohibited**. If a student fails to observe this requirement, the instructor may assign an "F" grade for the work or for the whole course depending on the type of assignment and gravity of the academic dishonesty. Students are expected to read and follow the section on the Student Academic Dishonesty of the AUCA Code of Student Rights, Responsibilities, and Conduct.
- (6) **CELL PHONES** and any other electronic devices should be either turned off or kept on silence.

IV. GRADING

The final grade will be determined based on the following components:

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| - Class participation and attendance | 10% |
| - Case brief | 10% |
| - Academic paper | 15% |
| - Legal memorandum | 30% |
| - Client opinion letter | 20% |
| - Procedural documents | 15% |

Grading criteria:

A	94-100%
A-	90-93%
B+	86-89%
B	80-85%
B-	77-79%
C+	74-76%

C	68-73%
C-	64-67%
D+	60-63%
D	54-59%
D-	50-53%
F	below 50%

V. EXAMINATION

There are no exams in this course. Students will be graded based upon their drafting of the case brief, legal memorandum, legal client opinion letter, academic paper and one procedural document submitted during the semester as well as their class participation.

VI. COURSE CONTENT

<i>Content</i>	<i>Week</i>
<p>Introduction</p> <ol style="list-style-type: none"> 1) Introduction to the course 2) Types of legal writing; discussion of plagiarism, citation guidelines 	1
<p>Doctrine of Judicial Precedent</p> <ol style="list-style-type: none"> 1) Introduction to the U.S. common law 2) Discussion of the doctrine of judicial precedent 3) Guidelines on how to brief a case (based on <i>Conti v. ASPCA</i>) 	2-3
<p>Introduction to the Legal System of the Kyrgyz Republic</p> <ol style="list-style-type: none"> 1) Sources and principles of law, hierarchy of statutes 2) The court system of the Kyrgyz Republic 3) Presentation on Toktom 	4-5
<p>Legal Opinion (based upon a hypothetical involving the legislation of the Kyrgyz Republic)</p> <p>Theoretical Basis:</p> <ol style="list-style-type: none"> 1) Sources of law 2) Interpretation of statutes 3) Analysis of facts 4) Legal research: identifying the relevant law and applying it; legal research databases (training on how to work with Toktom in computer labs) 5) Legal analysis, reasoning and adjudication skills (use of IRAC) 	6-11

6) Purpose, strategy, context, style and structure of legal drafting 7) Discussion: rules, analysis Practical Application: 1) Legal memorandum 2) Client opinion letter	
Academic Research 1) Paper writing: research strategy, writing techniques 2) Brainstorming activities, clustering 3) Presentation on Lexis-Nexis and other databases (AUCA computer lab) 4) Revision	12
Procedural Documents 1) Complaints 2) Motions, discoveries 3) Settlement agreements 4) Introduction to appellate briefs	13-14
Course Summary 1) Revision of covered materials 2) Oral presentation of academic papers 3) Individual meetings	15

VII. COURSE MATERIALS

You will be required to read handouts that will be distributed in class weekly. In addition, you may refer to the following list of recommended materials for further reading:

- Nancy L. Schultz & Louis J. Sirico, “Legal Writing and Other Lawyering Skills,” 4th ed., LexisNexis, NJ (2004);
- Bryan A. Garner, “Legal Writing and Plain English,” University of Chicago Press, Chicago (2001);
- Diana V. Pratt, “Legal Writing: A Systematic Approach,” 3d ed., WestGroup, St. Paul, Minnesota (1999);
- Linda Edwards, “Legal Writing. Process, Analysis, and Organization,” 3d ed., Aspen Law and Business, New York (2002);
- James A. Holland, Julian S. Webb, “Learning Legal Rules,” 4th ed., Blackstone Press, London (2001-2002);
- Marie Fox, Christine Bell, “Learning Legal Skills, 3d ed., Blackstone Press, London (1999);
- Elizabeth Fajans, Helene Shapo “Writing for Law Practice,” Foundation Press, New York (2004).