

PHOENIX INTERNATIONAL SCHOOL OF LAW
LAWYERING PROCESS AND LEGAL WRITING PROGRAM

LAWYERING PROCESS I
LEGAL WRITING I

Learning Research, Predictive Analysis and Writing



LAWYERING PROCESS II
LEGAL WRITING II

Learning the Art of Advocacy

COURSE MATERIALS GUIDE

2005-2006

ACKNOWLEDGMENTS

A word of gratitude is due to my colleagues at Phoenix International School of Law (PISL) and Florida Coastal International School of Law (FCISL) for their suggestions in developing the Course Materials for use during the 2005-06 academic year. I am also particularly grateful to my new friend and colleague at the Beasley School of Law, Temple University, Jan Levine, who has provided me with an invaluable wealth of information, much of which has been adapted to the course materials contained herein (used with permission of Professor Levine) and to Professor Judy Stinson, Arizona State University College of Law, who, unbeknownst to her, has become my mentor and advisor. Certain ideas and materials from ASU College of Law – Legal Research and Writing Program have been adapted for PISL use. Appreciation must also go to the many members of the Association of Legal Writing Directors, who have provided endless streams of materials, and advice in response to my endless e-mail questions. Thank you to Adjunct Professor Myra Harris, Professor Gerry Hess, Professor Sophie Sparrow, faculty assistant Nakia Hughes, and Pamela Smith for their quality proofreading and constructive suggestions.

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Phoenix International School of Law
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TABLE OF CONTENTS

Class specific syllabi will supplement this program-wide *Lawyering Process & Legal Writing Course Materials (LP)*. Class specific syllabi are available on **TWEN** (The West Education Network) for downloading and printing. We suggest that you keep a copy of all of your LP materials on your computer and that you keep a set in a loose-leaf binder for easy access and use. The academic policies contained in the PISL Student Handbook govern all situations when the Course Materials Guide or your professors' syllabi supplement do not provide specific guidance and are contradictory.

Introduction

Mission of the LP Program	4
Vision of the LP Program	4
Objectives of LP Program	4
Welcome	4

Section I **General Course Information**

Course Descriptions	5
Required Textbooks	6
Recommended Resources	6
Technological Services	7
Computer Requirements	7
The Faculty	8
Tips To The Wise	9
ABA Accreditation and Standards	10
PISL Attendance Policy	11

Section II **Program Requirements**

Rules for Preparing Assignments	13
A. General Rules	13
1. Formatting, Fonts and Page Limits	13
2. Citation	16
3. Deadlines	16
4. Costs	17
B. Grading and Standards for Coursework	18
C. Announcements and Notices	19
D. Conducting Research	19
E. Collaboration with other students	20
F. Review of Written Work	21
G. Plagiarism	22
Law Library, Law Librarian and Area Legal Resources	23
A. Law Librarian	23
B. Information Resource Center	23
C. Area Law Library Locations	23
Use of the Legal Writing Laboratory and Computer Assisted Research	24
What Successful Law Students Do	25

Section III **Supplemental Materials**

A. Syllabi	26
B. Self – Assessment Tool	27



Mission of the LP Program

To build and establish the premiere 21st century Lawyering Process and Legal Writing Program among American law schools.

Vision of the LP Program

To provide optimal instruction in jurisprudence, legal history, philosophy, analysis, reasoning, research, problem solving, critical thinking, ethics, basic lawyering skills, drafting written advocacy, professional responsibility and oral communication.

Objectives of the LP Program

- assist students in developing professional and practice skills that they will need immediately upon graduation
- provide students with opportunities to explore the ways to construct legal analysis from data derived from factual situations, doctrine and social policy
- offer a collaborative approach to the study of law to enable students to understand the connection between the various skills needed as professionals and self-learners in their legal careers
- reinforce the students' ability to write utilizing the basic rules of grammar and style
- assist students in understanding the proper use of the established systems for citation of authority
- improve the ability of all students to write in a clear and concise manner; to organize material logically; to make professional writing decisions, and to engage in critical self-editing and rewriting

WELCOME!!

Welcome to the PISL Lawyering Process Program! For the next several years, you will be immersed in the study of law and in the traditional sense, being trained to “think like a lawyer.” Your proficiency in writing, speaking, reading, researching, analyzing, and thinking logically will greatly improve. The skills that you acquire in law school will be used continuously throughout your career. Every aspect of your legal education will have a direct connection to what you will do or will not do in your career

as a lawyer. As you acquire written and oral communication skills, your LP professors will offer you intensive individual feedback. You will practice and sharpen these skills for the rest of your career – in law school examinations, in scholarly publication, and in all of your law-related employment.

SECTION I GENERAL COURSE INFORMATION

Course Description

Lawyering Process I (3 hours): Learning Research, Predictive Analysis and Writing. This course provides instruction in the history of American law, legal philosophy, legal research, analysis and writing. Students will learn how to use various sources of the law and learn the analytical and organizational skills needed to produce objective legal memoranda. Students will be taught the basic elements of legal research (both manual and through technology), legal writing, case briefing, and case citations. Integrated into this basic program of study is the *Infusion Curriculum*, which is designed to facilitate practice-ready outcomes. To that end, assignments will be made to provide the students with fundamental writing and research techniques that enhance lawyering skills, such as, a memorandum following a client interview; case briefing, an opinion letter, advocacy letter, demand letter, various types of motions, and trial memorandum. The course will also incorporate comparative and multicultural perspectives as part of the learning experience.

Legal Writing Workshop I (0 hours). Legal Writing is a technical aspect of the practice of law with its own set of rules and priorities. Legal writing is demanding and needs to be precise and concise. The Workshop is a skills based weekly session that will require you to focus on the basic elements of learning to think and write like a lawyer. The Legal Writing Workshop is designed to help students develop already good writing skills into excellent legal writing skills. The workshops will not focus on any particular body of substantive law. Some assignments will be for practice and others will be graded. The workshops will review basic grammar, sentence construction, composition, analysis, comprehension and offer constructive feedback on your written work.

“Practicing legal writing is practicing law.” (LeClerq, 2004).

Lawyering Process II (3 hours): Learning The Art of Advocacy. This course teaches you the basics of oral and written advocacy. While we will continue to study under the concepts of the Infusion Curriculum for practice ready outcomes, the legal research conducted this semester builds on the work you did for Lawyering Process I by teaching students how to research, analyze, organize and write to persuade. We will continue to review American Legal History with special attention to the influences that generated Anglo-

American principles and processes. This class is designed to teach you to argue substantively and persuasively before a court, a legislative body or other public forum on behalf of a client. You will practice the skills of collaboration and decision making as well as legal writing and oral argument.

Legal Writing Workshop II (0 hours). The workshops are designed to work through hypothetical problems to illustrate what you have learned from the reading assignments and to provide you with opportunities for public speaking. The hypothetical problems will be designed to simulate real-life legal issues. Some emphasis will be given to citation, form, style, and punctuation.

Lawyering Process I and Legal Writing Workshop I

Required Textbooks

Friedman, Lawrence. (2005). *A History of American Law*. 3rd ed. (Touchstone Publishing).

Good, C. Edward. (2002). *A Grammar Book for You and I...Oops, Me! All the Grammar You Need to Succeed in Life*. (Capital Books, Inc.).

Shapo, Helene S. (2003). *Writing and Analysis in the Law*. 4th ed. (Foundation Press).

Sloan, Amy E. (2003). *Basic Legal Research: Tools and Strategies*. (Aspen).

Sloan, Amy e. (2003). *Basic Legal Research Workbook* (Aspen).

The Uniform System of Citation, 18th edition. (A/K/A – The Blue Book).

Recommended Resources (available in PISL Library – on reserve).

Dworsky, Alan. (2000). *User's Guide to the Bluebook*. (Rothman).

Garner, Bryan A. (2001). *Legal Writing in Plain English*. (University of Chicago).

Garner, Bryan A. (2001). *The Redbook: A Manual on Legal Style*.

Strunk, William and E. B. White (2000). *The Elements of Style*. (Longman).

Wydick, Richard (1998). *Plain English for Lawyers*. (Carolina Academic Press).

Lawyering Process II and Legal Writing Workshop II

Required Textbooks

Beazley, Mary B. (2002). *A Practical Guide to Appellate Advocacy*. (Aspen)

Friedman, Lawrence. (2005). *A History of American Law*. 3rd ed. (Touchstone Publishing).

Krieger, Stefan (2003). *Essential Lawyering Skills, Interviewing, Counseling, Negotiation and Persuasive Fact Analysis*. (Aspen).

Ray, Mary and Ramsfield, Jill (1993). *Legal Writing: Getting It Right and Getting It Written*. (West).

Shapo, Helene S. (2003). *Writing and Analysis in the Law*. (Foundation).

Sloan, Amy E. (2003). *Basic Legal Research: Tools and Strategies*. (Aspen).

Sloan, Amy and Schwinn, S. (2003). *Basic Legal Research Workbook*. (Aspen).
The Blue Book. 18th edition. *The Uniform System of Citation*.

Recommended Resources

Dworsky, Alan (1991). *The Little Book on Oral Argument*. (Rothman & Co.).

Mauet, Thomas (2004). *Trials: Strategy, Skills and the New Powers of Persuasion*. (Summers Press).

Strunk, William and White, E.B. (2000). *The Elements of Style*. (Longman).

Wydick, Richard (2005). *Plain English for Lawyers*. (Carolina Academic Press).

Technological Services

The Information Resources and Technology Center (IRTC) houses the law library and computer services. IRTC provides students, faculty and staff with direct access to the latest technologies, including CD-ROMs, Internet resources and interactive video. These services are available throughout the law school campus and through long-distance capabilities, off campus as well. Students' technological requirements to access these services should include high-speed data networks, home modems, and access through e-mail. To determine whether the system that you have at home or on your portable lap top are compatible or whether you need to upgrade any hardware or software, please contact David Bacheci.

Westlaw and Lexis passwords will be provided to you during the first or second week of classes. They will be placed in your student mailboxes.

Computer Requirements

The Lawyering Process faculty recommend a high-speed, broadband (cable modem or DSL) Internet connection. While not required, subscription to a broadband service improves the speed of delivery and will enhance your overall learning experience. Below are "minimum" and "recommended" standards for your technical needs:

Student Needs	Minimum	Recommended
Processor – PC	1 GHz	2 GHz
Process – Macintosh	G3 800 MHz	G4 1.25 GHz
Operating System – PC	Windows 2000	Windows XP
Operating System – Macintosh	OS X (10.2)	OS X (10.3)
RAM	256 MB	512 MB
Browser – PC	Microsoft Internet Explorer 6.0 or Netscape 6.2	Microsoft Internet Explorer 6.02 or Netscape 7.1

Browser – Macintosh	Microsoft Internet Explorer 5.1 (OS 9) and 5.2 (OS X 10.2)	Microsoft Internet Explorer 5.1 (OS 9, OX X 10.1) and 5.2 (OS X 10.3)
Internet Connection	56K Modem	Broadband (Cable or DSL)
Email capabilities	Unique email address (not shared by others in a family or company)	HTML e-mail capabilities
Hardware	20 GB of hard disk space	30 GB of hard disk space
Software – PC	MS Word 2000 or higher and Antivirus Software	MS Office 2000 or higher and Symantec Norton Antivirus Software
Software – Macintosh	MS Word 98 or higher	MS Office 98 or higher
Plug-ins	Windows Media Player 8 Adobe Acrobat Reader 6 Flash Player 7 Java 1.4.2	Windows Media Player 9 Adobe Acrobat Reader 6 or higher Flash Player 7 Java 1.4.2
Peripherals	Video Card and monitor display capable of 800X600 pixel resolution; Speakers and sound card	Video card and monitor display capable of 1024X768 pixel resolution; speakers and sound card
Backup Storage	Zip drive or writeable CD-ROM 30 GB external hard disk space	Zip drive or CD-ROM 30 GB external hard disk space

We recommend that you acquire a computer with the recommended standards at the beginning of your program of study. Please review these suggested technical standards with the PISL Technical Support staff.

The Lawyering Process and Legal Writing Faculty

Penny L. Willrich, (Superior Court Judge, *retired*)

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Myra Harris, Superior Court Commissioner

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Professor Harris is a sitting Arizona Superior Court Commissioner assigned to the Family Court Department in Maricopa County. Because of the judicial ethics requirements, she is not ethically allowed to discuss cases pending in the Arizona Courts, provide legal advice for any legal matter, or offer any opinion on any matter that is of controversy in the Arizona Courts. All comments and opinions of Professor Harris are to be attributed only to her and do not reflect the opinion of the Arizona Courts.

Daniel Dye
Adjunct Professor of Law
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The professors who will teach Lawyering Process and the Legal Writing Workshops have extensive experience in the practice of law, serving as members of the judiciary and teaching law or law related courses.

Tips To The Wise

- Your professor will be available to meet with you outside regularly scheduled class times to answer your questions and help with the assignments.
- Your professor will have available a **TWEN** site to include electronic mail discussion lists. TWEN is a virtual classroom that we will use to make documents available to you and get information to you about the courses.
- You are about to be bombarded with demands to learn a new, rigorous, and often quite foreign way of thinking and analyzing problems. Added to the equation is the burden of researching and clearly writing about concepts and doctrines that you are confused about. You will make mistakes assimilating the individual feedback and it will be difficult.
- **Do not panic!** Mistakes in your research and writing are OK. We expect it and have structured the course to help you learn from making mistakes. The bulk of your learning will result from trying to do something new, receiving feedback on your efforts, and then doing it again.
- If you feel that you need additional help with your work, for whatever reason, please ask your professor. Specifically, students who know they have disabilities should visit with Dean of Academic Affairs, Sonya G. Smith at 480-682-3417 to discuss the procedures for obtaining reasonable accommodations. If English is not your native language, let us know so that we may together determine if some additional assistance might be beneficial.
- We will ask you to periodically complete the Self-Assessment Form contained in Section III of the Course Materials Guide. The purpose a self-assessment is to allow you to evaluate your comprehension of the subject matter and the skills being taught.

- The assignments are limited in scope and carefully tailored to permit a very narrow range of "correct" student responses. Though it may appear that some of our suggestions are stifling your creativity, there usually is a good reason behind the comments made about the scope of the assignment, formatting and style issues.
- The assignments are not truly open-ended, real-world problems, although we have striven to produce interesting facsimiles of reality, consistent with the underlying goals for the course.
- The assignments may address topics such as AIDS, mental illness, child abuse and neglect, sexual assault, death, domestic violence, homosexuality, discrimination and religion. If you find that any assignment is troubling for you to work on, please see your professor as soon as possible. *If you wait until the assignment is well underway, no alternative assignment may be possible.*

ABA Accreditation and Standards

Phoenix International School of Law has consciously structured and defined itself as a benchmark institution for legal education in the 21st century. In that vein, PISL's Lawyering Process Program will provide a student-centered learning experience that engenders practice-readiness and competitiveness in the modern market reality. Actualizing the institution's aims is dependent upon developing a program of study that complies with American Bar Association standards of advancing a sound program of legal education.

ABA Standard 302 on curriculum requires:

- "(a) All students in a J.D. program shall receive:
- (1) instruction in the substantive law, values and skills (including legal analysis and reasoning, legal research, problem solving, and oral and written communication) generally regarded as necessary to effective and responsible participation in the legal profession; and
 - (2) substantial legal writing instruction, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year. "

PISL faculty and staff interact on the basis of personal humility and transparency based on values. PISL faculty and the LP Program are committed to the best practices

processes in teaching and mentoring. We will utilize multiple learning modalities and diverse methodologies to enhance learning, address various learning styles, and have an active interest in the aspirations and needs of each you. We are here to help you build your self-confidence as an advocate, to inspire you toward high achievement, and to help you identify your unique strengths and capacities.

PISL Attendance Policy

A student whose absences exceed twenty percent of the total number of classes in a course will be barred from taking the final examination and completing other graded course requirements, and, in such instance, will receive the grade of "F" in the course. For classes that meet once a week, a student may miss two classes without penalty; if s/he misses three classes, s/he will be dropped from the roster and assigned the grade of "F" in the course. For classes that meet twice a week, a student may miss five classes without penalty; if s/he misses six classes, s/he will be dropped from the roster and assigned the grade of "F" in the course.

Faculty members are free to establish other attendance requirements consistent with the needs of specific courses. Attendance sheets will be circulated during each class by each professor in the LP program.



GOOD LEGAL WRITING IS A TOOL OF ADVOCACY!

Section II PROGRAM REQUIREMENTS

The course components of Lawyering Process I and II, and the Legal Writing Workshops I and II spans the first year of law school. As PISL moves beyond the “start-up” mode, we will offer advanced courses in legal writing and advocacy. We have no doubt that the PISL Lawyering Process Program will soon be one of the most advanced in the nation, providing students with a legal education designed to facilitate professional practice-readiness. We are dedicated to your personal development and growth. We are committed to creating an institutional environment that fosters respect, trust, and effective interaction. We are dedicated to best practices, continuous self-improvement, and adaptation to change.

Lawyering Process I and Legal Writing I will focus on legal decision making; an introduction to the legal system; the structure of the trial and appellate court systems; introduce you to legislation; discussion of jurisprudence, legal history and philosophy and show you how to read and summarize (brief) appellate court opinions. You will be introduced to legal research, citation format and legal writing. You will be introduced to trial advocacy skills through written assignments on client interviewing, motion practice and a written memorandum of law. Together, Lawyering Process and Legal Writing are designed to teach you basic legal research techniques and the fundamental styles of legal writing.

Lawyering Process II and Legal Writing II will focus on additional research skills, particularly in computerized databases (WESTLAW and LEXIS/NEXIS); and introduce you to persuasive writing and oral advocacy via an appellate advocacy assignment. Your assignments will build upon the foundational doctrines of Lawyering Process I and Legal Writing I. We have planned a progression of hands-on assignments that become increasingly complex and require repeated practice of earlier techniques while you acquire new skills.

It is our goal to have a uniform workload amount in all the sections. Generally, the due dates for the major assignments will all fall within the same week for all sections of the course, barring unforeseeable difficulties, but the due dates may vary during the week because the writing workshops are not all held on the same day. You will receive a more detailed Syllabus for your section, setting out assigned readings and other tasks. Each section will use many of the same textbooks and reference books; however, the faculty teaching your section may assign different texts or require special software.

In LPI all students will write an opinion letter to a client and one predictive office memoranda to the Senior Partner based on library research. We may assign teams of students to conduct research on various assignments; however, the opinion letter and the final memorandum assignment are individual ones. **All of the major writing assignments, including the drafts of all your memos, will be prepared individually.** Please assume that all written work products are prepared independently,

unless you are specifically directed by your professor to write as part of a group. If you have any doubts about the rules of an assignment, please ask your professor before you begin your work; if you err, please tell your professor immediately.

Rules for Preparing Assignments

A. General Rules

We will be using a myriad of tools available to the lawyer as he or she searches for precedent to support legal positions, statutes, administrative rules and regulations and secondary authorities. As part of your legal education you will learn that Judges can be extraordinarily strict about compliance with their courts' rules, and now is a good time for you to learn the analogous rules for this course.

- Professors will give you specific directions for the style and layout for all written work that may differ somewhat from the models in your textbooks.
- *Always* seek guidance from your professor before turning in your paper if you are unsure of what to do.
- Part of what you will be learning in this course is how lawyers and other professionals conduct themselves and adhere to professional norms of conduct and behavior.
- Law students are expected to use a personal computer to prepare assignments, and all assignments must be printed on a good quality printer. **Computers and printers are available in the computer labs.**
- Handwritten work will not be accepted unless your professor explicitly permits you to complete the assignment that way. Handwritten work may be allowed for in-class exercises or short out-of-class assignments.
- Computers in the Law School are on a Windows-based network, and the Law School has standardized Microsoft Word.
- Do your best to avoid and resolve computer problems before anything goes wrong and an assignment is due. Computer problems are not an excuse for submitting an assignment late.

1. Formatting, Fonts and Page Limits

- a. Your professor will explain the page limits or a range of page lengths for each assignment. Directions will be found in the syllabus, supplemental materials, or in the directions for each assignment.

- b. Generally, all work is to be **double-spaced, on 8 1/2 “x 11” white laser or inkjet paper.**
- c. Please do not single-space your work or customize the spacing of the lines of your papers to try to cram more words on a page.
- d. Do not use light-weight paper, extra-heavy-weight paper, embossed paper, or ivory paper (those types make it very difficult for your teacher to provide written comments on your drafts).
- e. The standard paper used in the printers in the computer lab is perfect for printing your documents.
- f. The **standard mono-spaced font** for the fall semester’s assignments should print ten characters per linear inch. Please comply with this rule by using a font such as Courier [12 point] or Courier New [12 point]. A character string of the letters A through Z in Courier New [12 point] looks like this:

abcdefghijklmnopqrstuvwxy

- g. There are ten characters per inch in this character string. If your hardware or software settings gives you more characters per inch (i.e. the characters are smaller or more closely spaced), your paper will not comply with the rules.
- h. It is suggested that you prepare and print a page using this character string in the Courier New [12 point], and measure it with a ruler to ensure that results from using your own computer, printer and word processing software comply with the rules; if you have questions after doing all of this, you may ask your professor for help, but do so well before the first assignment is due.
- i. You can set **Courier New [12 point]** as the default setting. Please do not use a variable spacing font, such as Roman or Arial, unless you have discussed this with your professor and received permission to do so.
- j. Do not be tempted to deviate from the required font and size just because you like the way another font appears to your eye.
- k. The **standard memorandum page** has **one-inch** text margins all around, on the left and right sides, and on the top and bottom of the page. This standard page would contain approximately **24** lines of

text, depending on the pagination defaults of your software and printer.

- l. **Page numbers** must appear on the page, wherever your professor asks for them to appear and you may be asked to suppress pagination on the first paper. If no direction is given, bottom, center is preferable.
- m. The professor may change the margins of an assignment to allow for more room to make comments. This will affect the length of your assignment.
- n. Your assignments should be **left-justified**, with the characters lined up along only the left-hand margin. Do not fully justify your papers. We require left-justification and a font that uses non-proportional spacing because otherwise it is harder to see correct citation spacing.
- o. Please do not embellish your assignments with elaborate graphics, italics or other modified lettering, covers, binders, or colored paper unless required by the applicable citation rules.
- p. All multi-page assignments that are required to be in paper form are to be stapled once in the upper left-hand corner. Please do not use paper clips to bind your papers; they invariably fall off and pages will get lost. *Please note that your professor does not have to accept a paper that is not stapled.*
- q. All of your assignments/documents should be completed by complying with whatever other format is specified by your professor.
- r. Unless you are given instructions to the contrary, your paper should bear your name and your section number, and you should address your memoranda to your professor, by his or her name. For example, Professor Willrich will ask her students to follow this example for the single-spaced heading:

TO: Professor Penny L. Willrich
FROM: Jane Doe Student, LP I, Section A
DATE: August 29, 2005
RE: Pamela Smith; use of statute of
frauds as an affirmative defense.

Your professor does not have to accept any paper that does not comply with the sections' rules, unless you have been given advance permission to depart from the accepted rules.

2. Citation

- a. We will require that you follow the rules set out in the ***Uniform System of Citation (The Bluebook) 18th edition***. We require underlining or *italicization* for parts of your legal citations. Underlining is preferable to italics because it is easier to see. **Consistency is key; it is inappropriate to underline and italicize in the same document.**
- b. The ***AWLD Citation Manual*** contains rules similar to the *Bluebook* and is quickly becoming the form likely to be used by the vast majority of practicing lawyers. More information on *ALWD Manual* can be found at www.alwd.org.
- c. Many of the documents that you will see will have different versions of citation form and may be wrong. Case law decisions and other research materials you will consult do not necessarily conform to either the *Bluebook* or *AWLD Manual*. They may rely on either local rules for citations or a publisher's own citation rules. Please use the *Bluebook*.

3. Deadlines

- a. We are going to hold you to strict deadlines for all assignments because lawyers learn quickly the importance of meeting deadlines.
- b. **All assignments must be completed to your professor's satisfaction, all assignments must be turned in on time, and each assignment must eventually meet what your professor considers to be the minimal standard for work in the course.**
- c. All papers are due at the start of your LP or Writing Workshop class meeting, **unless otherwise stated by your professor**. E-mail submission may be acceptable to some professors if the professor confirms receipt of the paper before the announced time.
- d. Failure to perform or complete any assignment in the course, whether graded or ungraded, interim or final, means you risk failing the course if you do not remedy the situation in compliance with your professor's directives. At the very least, if you fail to comply with the rules for an assignment, you may forfeit your opportunity to have the benefit of your professor's critique or feedback and you will be at a serious disadvantage for passing the final graded assignment.

- e. **For all your assignments, especially the First and Second Major Writing Assignments, your noncompliance with the rules will directly affect your grade for the course.**
- f. Your professor has the discretion to make exceptions to the rules for legitimate and serious emergencies or when you have obtained his or her permission in advance. You may be asked to obtain advance permission in writing or be asked to “file” a motion with an affidavit to request an extension. Please note that other law school professors or staff cannot grant you any extensions for your legal writing assignment, and they are not to serve as “go-betweens” who will present your case for an extension.
- g. If there is an emergency and you cannot get in touch with your professor by telephone or by electronic mail, you may contact the Director of the Lawyering Process Program, Professor Penny L. Willrich by telephone at 480-682-3409, or by E-mail at pwillrich@phoenixlaw.org.
- h. Do not leave papers under your professor’s door or in the faculty mailboxes unless you are given specific permission to do so. Papers may be left with a designated member of the law school faculty or staff only if your professor has given you advance permission to do so.
- i. No law school professor may award end-of-semester grades of “incomplete.”
- j. You will use your Student Grade Number (**SGN**) on your client opinion letter and your final memorandum.
- k. The remaining assignments will be graded or not at the discretion of your instructor.
- l. Be aware that the computers, printers, and photocopy machines are likely to be very busy when your assignments are due. Do not rely on last minute access. Unfortunately, delays and mechanical problems can occur, therefore, avoid procrastination and plan your work schedule in advance.
- m. Please save multiple backup copies of your work. Accidents do happen, diskettes can be defective, computer viruses are lurking about, computer networks crash and the consequences of an accident causing you to lose your work could be incurable.

4. Costs

- a. Budget for the purchase of software, removable media, paper, ink, photocopying, and printing. Your Westlaw and Lexis/Nexis access will allow you to retrieve and download certain materials from computerized databases.
- b. Budget for costs associated with the Appellate Brief in LP II and appropriate attire for the oral argument.

B. Grading and Standards for Coursework

To pass each course, a student must complete each assignment to the professor's satisfaction. The two major writing assignments (e.g. client opinion letter and memorandum to the senior partner in LP I) will be graded and together will comprise 75% of your final grade. These assignments are submitted under your SGN. The remaining 25% of your grade will be distributed among the various research and writing assignments that are due and in the discretion of your professor.

1. Each assignment will be returned with you with detailed commentary on your work.
2. You may have to rewrite or resubmit any written work that is not considered to be passing quality when first submitted. The rewrite or resubmission must be done to an acceptable standard and within the prescribed time.
3. If your written work is significantly too long or too short; if it is not in an acceptable format, or if it is submitted late or at the wrong place, your professor has the discretion not to read it, or to require you to revise and resubmit it without receiving any further critique.
4. Your final memorandum will be treated as a "take-home examination" under the law school's examination rules set forth in the Student Handbook. Because of a program-wide commitment to uniformity and consistency, all the professors teaching Lawyering Process will comply with the law school's grading policies for all examination courses.
5. If your final writing assignment is late and you have received no prior extension from your professor, your grade will reduce automatically to the next grade level. It is within the discretion of your professor to determine whether the lateness of a the final assignment warrants a failing grade.
6. LP I and LP II are "paper" and "skills" courses not examination courses. Most of the papers and your oral advocacy during the courses will bear your name and your professor will know the authors of each of the many assignments. By grading the bulk of the written and skill assignments non-anonymously, the

professors have the opportunity to hold student-teacher conferences that provide individual and detailed attention to each student. We do, however, grade the two major writing assignments anonymously.

7. In each course, the Director and professors work together to ensure that the student workload is as consistent as possible across the sections.
8. The professors may share assignments that we have developed in concert.
9. You may bring any general questions about the Program or the grading policy to your professor or to Professor Penny L. Willrich, the Director of the Lawyering Process Program.
10. If you are concerned about something specific that took place in your class, or about your teacher's comments regarding your paper, please bring your concerns first to your legal writing professor.

C. Announcements and Notices

We may post announcements of scheduling or assignment changes by electronic mail; by notices through TWEN; or directly from your professor. Check these sources regularly and frequently.

Your professor will explain how he or she will return your papers to you.

D. Conducting Research

1. The professors will try their best to design assignments to alleviate competition for research material and reduce the anxiety of your initial forays into the library.
2. For some assignments, you may be divided into teams for conducting collaborative research and preparing exercises and citation assignments.
3. When assigned a collaborative assignment, we encourage discussion among the students in a section on the substance of the assignments. However, your major writing assignments are to be written individually, without collaboration, unless your professor gives you explicit directions to the contrary.
4. To promote civility among the users of the library, and preserve the life of photocopy machines, we ask that you follow some simple rules:
 - a. Read materials before you copy them.
 - b. Do not use more than four books at one time.
 - c. Do not make unnecessary photocopies of material.

- d. Promptly return library materials to the circulation desk if you do not know where to correctly shelve them.
 - e. Do not hoard or hide research materials.
 - f. Respect all users of the law library and computer lab.
5. In LPI, you may not use computer-assisted legal research methods, such as Lexis, Westlaw, or browsing the Internet, to do any legal research except as permitted by your section's supplemental materials or by your professor.
 6. We will permit you to use computers to update your manual research at a certain point in the LPI course, after you have learned how to use traditional methods of research and updating your research. You will be provided with training on the computer-based systems.
 7. Initial research on-line using full-text database searches will be allowed in LP II.
 8. Failure to follow these rules may be a violation of the Student Honor Code and may be grounds for discipline or have an affect on your final grade.

E. Collaboration with Other Students

1. Articulating the law is a crucial part of the learning process. Therefore, you may debate with fellow students over the importance of a case or cases to an assignment and you may discuss issues and ideas with your classmates. You are not permitted to collaborate by sharing the fruits of your research, or your writing, with other students in a manner not permitted by these rules or by your professor.
2. The only time you may work with another student on a jointly-written document for the LP courses is when you are specifically told to do so in your section's supplemental materials or by your professor.
3. The number of students looking for the same sources in the library is likely to result in unintentional guidance for some people. Please do not place your peers in the uncomfortable position of believing that you want to find the answers to problems without effort. Each of you must work very hard to discover the answers to the research problems.
4. **Your Professor will provide information on collaboration with other students. However, please do not tell other students where to look to find a case, statute or other relevant research.**
5. After we have discussed the authorities in class or placed the authorities on reserve in the library, you may freely share the citations across teams; however, the best practice is to try finding the citations and materials yourself.

6. If materials are missing from the library's shelves or unavailable for extended periods of time, you should ask a librarian or your professor for assistance.
7. If you fail to master the basics now, you will be haunted in the future by the missed opportunities. There is no way to learn how to research except by attempting the research and receiving the feedback on the results. Your focus should be on the strategy and not the "answers."

The intentional taking of another student's paper or the intentional reading or destruction of another student's paper may be a violation of the Student Honor Code and may be grounds for disciplinary action in accordance with the Code. Please review the Student Honor Code.

F. Review of Written Work

1. The only person who may review your written work for content, analysis, or style is your lawyering process professor or the Director of the Lawyering Process Program.
2. Unless your professor gives you specific instructions for an assignment to be written by a team, you may not share your written work with another student before the assignment is due.
3. You may not ask for, or obtain, another person's work on similar law school assignments, unless such papers are part of the library's unrestricted collection or within a database to which the public has free access.
4. Unless permitted by the Course Materials Guide, your section's supplemental materials, or your professor, you may not give your written work to any other person for review, until the course is completed or until your professor has placed on library reserve sample answers for that particular assignment. **Do not post your assignment answers, memos, letters or briefs on any website.**
5. Until your professor has finished his or her review of all the papers on that assignment for all the students in your section and the class has moved on to another assignment, no one else may look at your paper.
6. Before you turn in a paper, you may ask someone not in law school or who does not have legal training, to proofread your work for basic errors in grammar, spelling or punctuation, without commenting on your legal analysis or style.
7. Feel free to use any available software to check your spelling and grammar.
8. You may use your papers as writing samples for job applications, or to show to persons who are not in law school, in a manner consistent with these rules.

9. Your papers from this course reflect significant guidance from your legal writing professor, and you should disclose this when you provide a prospective employer with a writing sample.
10. Again, as noted above, violation of these rules may be a violation of the Student Honor Code, and may result in disciplinary action or a lowering of your grade.

G. Plagiarism

The Phoenix International School of Law Honor Code sets the highest standards of integrity and professionalism for law students. It sets forth rules, standards and procedures related to academic honesty. Each student is bound to follow the PISL Honor Code.

1. You are all aware that Phoenix International School of Law has a strict student honor system.
2. Please keep these instructions in mind and consider the honor system that affects your peers and professors.
3. Section II (A) of the PISL Honor Code defines plagiarism as “appropriation of any other person’s work without acknowledgement in any work submitted in any academic pursuit or law school competition, including but not limited to research or seminar papers, examinations, law review or moot court.”
4. The Lawyering Process Program has further defined plagiarism as any substantial occurrence of a failure to properly attribute directly quoted material; a failure to attribute paraphrased material; the fabrication of attributions, or the misrepresentation of another’s ideas or portion of another’s work as one’s own.
5. Plagiarism issues are the same in legal research and writing as in other types of research and writing. Always err on the side of giving credit. Proper attribution is critical in legal writing. Attribution in legal writing is called citation to authority.
6. Citations to authority strengthen your legal writing because they show that you have support for the points you are making. A statement followed by a citation is persuasive. A statement without a citation is likely to be merely the unsupported opinion by a lawyer.
7. Give credit to the words that you use whether original or paraphrased by providing the proper citation.
8. Your professor will guide you through citation problems early in the semester.

9. Each Legal Writing Workshop section will have at least one or two workshops on plagiarism and we may direct you to an on-line tutorial for review.

Law Library and Other Resources

A. Law Librarian

Kristina L. Niedringhaus is the Director of Information Resources and Technology and an Assistant Professor of Law at PISL. She previously served as the Electronic Services Librarian and Assistant Professor for the Texas Wesleyan University Law Library and the Associate Director of the Georgia State University College of Law Library. Kris received her Juris Doctorate from the University of North Carolina School of Law and she has a master of Arts in Information Science and Learning Technologies. She has written widely on legal research, including online research, and is an author of several CALI lessons (www.cali.org). Kris can be reached at 480-682-3412 or kniedringhaus@phoenixlaw.org.

B. Information Resources Center

The IRC is committed to supporting a learning experience that is student-centered and facilitates practice-readiness. In the next few months we will be experiencing rapid growth in our collection and the IRC staff. The collection will be developed with an eye toward supporting your curriculum needs and the staff will be responsive to your research and study needs.

While we are in this dynamic growth phase there may be times that certain materials will not be available either in our collection or through electronic resources. Please contact a librarian if you are having difficulty locating materials in the IRC.

C. Area Law Library Locations

Ross-Blakely Law Library

Arizona State University College of Law

480-965-6144 – Call ahead for hours or check the web at <http://www.law.asu.edu/Library>.

The Ross-Blakely Law Library is located on McAllister between Lemon and Terrace in Tempe, Arizona. McAllister is one block west of Rural and south of University. The library has no street address. Parking is available on campus. The closest parking lot for visitors is Parking Structure 4 at Rural and Terrace. Visitor parking is located on the first level of the structures. The parking rates are \$2.00 /hour with a max of \$8.00 per exit. There is a \$10 lost ticket fee. Fees are subject to change.

Maricopa County Superior Court Law Library

602-506-3461- call ahead for hours or check the web at
<http://www.superiorcourt.maricopa.gov/lawlibrary/index.asp>.
East Court Building
101 West Jefferson Street
Phoenix, Arizona 85003

The Maricopa County Superior Court has several branches, all of which have law libraries. The majority of the library holdings are located in the main branch at the downtown court facility (address above).

Arizona State Library

Archives and Public Records – Suite 200

Law and Research Library Division – Suite 102

602-542-5297 – Call ahead for hours or check the web at
<http://www.lib.az.us/is/>.
1700 West Washington Street, Suite 300
Phoenix, AZ 85007

Arizona State University – Fletcher Library - West Campus

602-543-8502 – call ahead for hours

Municipal Libraries

The municipal public libraries in the Valley and the Community College Campus Libraries have a variety of law holdings. Call ahead to determine the hours and whether the resource you are looking for is available. This is not a comprehensive list of the municipal libraries in and around Maricopa County.

Gilbert Public Library	480-539-5100
Glendale Public Library	623-930-3530
Mesa Public Library	480-644-2723
Phoenix Public Library	602-262-4636
Scottsdale Public Library	480-312-2474
Tempe Public Library	480-350-5500

Use of Computer Assisted Research

Computer labs located on the first and second floor are available for use, first come – first served when classes are not being held therein.

Westlaw and Lexis Nexis training will be scheduled during the first month of the semester for those students who have not been trained and those who need a refresher.

What Successful Law Students Do

1. **Focus** - this is the time to develop the most critical and essential skills that you will possess as a lawyer, the ability to analyze the law, reason and make factual inferences.
2. **Practice** – it is impossible to practice law without knowing how to think well and communicate. Practicing law is process centered. Law school is the place to learn and practice the process.
3. **Build Relationships** – many of your law school colleagues will remain your colleagues throughout your legal career. Build professional relationships of respect and integrity.
4. **Ask for Help** – we all need it and should not be afraid of it. Don't be embarrassed because you don't know.
5. **Exceed your own Expectations** – do more than is expected and give back to your law school community.



SECTION III SUPPLEMENTAL MATERIALS

A. Syllabi

All Syllabi are posted on the PISL Web and TWEN Supplemental materials, a reading schedule, and all assignment will be provided by each professor. Syllabi posted on PISL Web or TWEN may revised at the discretion of each professor.

B. Self-Evaluation Tool

To be completed as directed by your professor. The Self-Assessment Tool is the last page of the Course Materials Guide.



“Courage is the most important attribute of a lawyer. It is more important than competence or vision...It can never be delimited, dated, outworn, and it should pervade the heart, the halls of justice, and the chambers of the mind.”

Robert F. Kennedy

University of San Francisco School of Law, 1962



Self-Assessment of Class Participation and Grasp of Concepts

Student's Name: _____

Section: _____ Professor: _____

Fill in a score 1 through 10, with 10 being the highest score.

Activity	Score 1-10
Demonstrating planning of study and coverage of assigned material.	
Demonstrating knowledge and understanding of the material.	
Participating constructively in class discussion.	
Expressing and countering arguments constructively.	
Expressing abstract and complex ideas orally.	
Listening.	
Demonstrating comprehension of class discussion.	
Contributing to any team or collaborative assignments.	
Satisfactory and timely completing of ungraded research and writing assignments.	
Meeting deadlines.	
Progressively improving reasoning, analysis and writing skills.	
Demonstrating proficiency in manual research.	
Demonstrating proficiency in electronic research.	
Regularly attending class and arriving on time.	

Special factors affecting me during this rating period were:

I assess my overall performance at (1-10) *(Note: give weight to the above factors in light of your overall learning objectives.)*

Overall Score _____

PROFESSOR'S COMMENTS