

*The City University of New York*

**CUNY SCHOOL OF LAW**

*Law in the Service of Human Needs*

LAWYERING SEMINAR IA  
SYLLABUS

Mondays and Wednesdays, 9:30-11:30 a.m. (Class)  
Tuesdays, 2:30-3:30 p.m. (Conference)  
Room 4/203

Professor Capulong  
Fall Term 2023

SEMINAR DESCRIPTION AND LEARNING OUTCOMES

This seminar is an introduction to law practice, the first in a series of required experiential courses that culminates in clinic your third year. This term, we will focus on legal analysis, reasoning, and writing; client interviewing and counseling; and the lawyer-client relationship. Working with actors, we will simulate a lawyer’s work from client intake to counseling session. Engaging in tasks in-role as lawyers along this continuum, we will develop theoretical perspectives, interrogate our professional roles, and develop work habits grounded in rigorous inquiry, thorough preparation, flexible, adaptive execution, and critical reflection.

As an institution, we have adopted a set of [learning outcomes](#) that constitute our expectations of you upon graduation. This course addresses some of these outcomes so that by its successful completion, you will be able to:

1. Recognize and appreciate the many dimensions and competencies required and engage in a systematic method of legal practice;
2. Plan for a legal interview and counseling session;
3. Legally analyze a set of facts, synthesize and apply a legal rule from a set of authorities, and write a predictive interoffice memorandum of law;
4. Professionalize skills essential to collaborative working relationships; and
5. Intentionally conceive of and begin to develop an approach to your role, responsibility, values, and identity as a lawyer.

REQUIRED TEXTS

- [LAWYERING SEMINAR: VOLUME I \(2016\) \(“LSI”\)](#). You may receive Lawyering Seminar Volumes I and II together. We will use Volume II in the spring.
- [RICHARD C. WYDICK & AMY E. SLOAN, PLAIN ENGLISH FOR LAWYERS, 6th ed. \(2019\)](#) (“Wydick & Sloan”)
- [THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, 21st ed. \(2020\)](#) (“Bluebook”)

## ASSESSMENT AND GRADING

You will receive plenty of formal and informal feedback on your work from me and others throughout the semester. Your final grade will be based on:

- Client Interview Memo (5%)
- Interoffice Memorandum of Law IA (15%)
- Interoffice Memorandum of Law IB (30%)
- Client Letter/Email and Counseling Plan (10%)<sup>1</sup>
- Interoffice Memorandum of Law II (30%)
- Professionalism (10%), which includes:
  - performance on ungraded assignments and activities;
  - improvement and progress throughout the semester;
  - timely class attendance, preparedness, engagement, and participation;
  - cooperative, active collaboration with classmates and colleagues;
  - reflectiveness on and self-critique of work;
  - capacity to provide and receive constructive feedback; and
  - appropriate, collegial e-mail and other out-of-class communication.

## EXPECTATIONS AND OTHER INFORMATION

*Class Preparation, Attendance, and Participation.* Our work requires everyone's active participation. You must attend each and every class and meeting. "Attendance" means reporting to class on time and remaining until class is finished. "Preparation" means that you have done all the required readings, have timely submitted any written assignments, and are otherwise fully prepared to engage. "Participation" means your rapt attention and vocal participation. I excuse class absences only *in extremis* and if I am notified in writing in advance.

*Respect and Collegiality.* Sensitive and sometimes controversial topics are inherent in our work, just as they are in the actual practice of law. Our goal is to create an environment that encourages everyone to speak and participate as well as to listen and learn. Recognizing that we have diverse beliefs, backgrounds, and experiences, you are required to treat each other with curiosity, civility, and respect, and share the responsibility for making our class a productive place to learn.

*Mental Health Resources.* Mental health issues can be exacerbated in law school, even when mental health never has been an issue for you before. CUNY Law is committed to promoting mental wellness in our students. Our counseling resources offer support for a range of issues in a confidential and safe environment. If you ever find yourself struggling, please do not hesitate to ask for support by emailing [mentalwellness@law.cuny.edu](mailto:mentalwellness@law.cuny.edu).

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<sup>1</sup> The Client Counseling Plan will be graded as a team/pair, *i.e.*, your team grade will be your individual grade. Details and instructions to follow.

Pronoun/Name Statement. I will gladly honor requests to address you by an alternate name or gender pronoun that varies from the name I receive from the registrar. Please advise me of this preference as soon as you can so that I can act accordingly.

Course Management System/E-Mail. We will be using Thomson Reuter’s TWEN course management system. You also will receive email from my school address, [eduardo.capulong@law.cuny.edu](mailto:eduardo.capulong@law.cuny.edu). Please check our TWEN course website and your email regularly. My colleagues and I are aware of and deeply concerned by Thomson Reuter’s [sale of surveillance data and services to U.S. Immigration and Customs Enforcement \(ICE\)](#).<sup>2</sup> The Law School is currently investigating this issue and exploring alternative and more ethical platforms.

Writing Assignment Guidelines. Unless noted otherwise, assignments must be typed and double-spaced using 12-point Times New Roman (or equivalent) font with one-inch margins on all sides. Please include an identifying header or footer and number all pages. *Page limits are strict.* If you do not follow these rules, I will reduce your grade for that assignment and/or return the assignment to you. Unless instructed otherwise, please submit assignments via the TWEN Assignments page using the following file name: “[your last name], [name of assignment, e.g. “Interoffice Memo IA”], Fall 2023.”

Due Dates and Times. Time management is key to effective lawyering. Our due dates and times are also set forth well in advance. For these reasons—and also because they are coordinated with your other course deadlines and exams—*assignment due dates and times are strict.* All requests for reasonable accommodations for deadlines should be made through Disabilities Coordinator Pat Kennedy, [kennedy@law.cuny.edu](mailto:kennedy@law.cuny.edu).

Collaboration. Learning is both an individual and collective undertaking. A substantial amount of your work in this seminar will be done with others—hence our work on professional collaboration (see, e.g., Class 17 below). You may work with classmates on assignments. But you may not share or use written work prepared by others. If you are uncertain about the line between permissible and impermissible collaboration, please review the [CUNY Policy on Academic Integrity](#), and/or consult me.

AI and ChatGPT. Because one of our primary objectives is to teach you how to write legally, you may not use artificial intelligence, e.g. ChatGPT, to generate any written work.

Conference Time. Scheduled Tuesdays, 2:30 p.m.-3:30 p.m., this time will be used for group classes as set forth below or individual or small-group meetings, writing workshops, make-up classes, office hours, and community-building activities. *Please do not schedule activities during these times and assume that we will use them each week unless noted or announced otherwise.*

## SCHEDULE, READINGS, AND ASSIGNMENTS

The following table lists our classes, readings, and assignments. Please note that meetings may be subject to change, depending on the pace of our work. If there is a conflict between this

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<sup>2</sup> Our colleague, Sarah Lamdan, is a leading scholar and advocate on this issue. See DATA CARTELS (2022).

schedule and what I announce in class, please follow the latter. Note, too, that I may assign additional readings and that our readings provide context and may not be discussed fully in class. After class, I may e-mail additional instructions and/or drafting assignments for the next class. Those instructions and assignments are a supplement to the assignments here, not a substitute. Unless noted otherwise, all readings are in the required texts, on TWEN, hyperlinked, or otherwise distributed.

<i>Class/Topics</i>	<i>Readings/Materials</i>	<i>Assignments</i>
WEEK 1 <i>Class 1</i> (Monday, August 21): Lawyering: The Course, Profession, and Legal System <ul style="list-style-type: none"> <li>• Introductions; lawyering dimensions/competencies; experiential method; law and social/economic justice/cause lawyering; syllabus; schedule</li> </ul>	<ul style="list-style-type: none"> <li>• Amsterdam, et al., <i>Using &amp; Interpreting the Law</i> (2014) (25 pages)</li> <li>• LSI 13-26</li> </ul>	
<i>Class 2</i> (Wednesday, August 23): The Lawyer-Client Relationship <ul style="list-style-type: none"> <li>• Client-centered lawyering; the intake interview; cross-cultural competency; interview planning</li> </ul>	<ul style="list-style-type: none"> <li>• Client interview assignment memo</li> <li>• LSI 127-138; 173-192</li> <li>• Amsterdam, et al., <i>Interviewing a Client</i> (2014) (12 pages)</li> </ul>	
WEEK 2 <i>Class 3</i> (Monday, August 28): Interviewing a Client <ul style="list-style-type: none"> <li>• Interview planning, continued; client interview and debrief</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Fed'n of Orgs. v. Bauer</i> (2004)</li> <li>• Client interview memo and reflection guidelines</li> </ul>	<i>Brief Fed'n of Orgs. v. Bauer</i>
<i>Class 4</i> (Wednesday, August 30): Problem Analysis, Professional Roles, and Social Context <ul style="list-style-type: none"> <li>• Client interview debrief, cont'd; problem-solving; individual legal issues in systemic context; reflective lawyering</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Main, <i>Unqualified Prohibition of Self-Help Eviction</i> (2022)</a> (55 pages)</li> </ul>	<i>Client Interview Memo due 9:00 a.m. Friday, September 1</i>
<b><i>Monday, September 4—Labor Day—No Class</i></b>		
WEEK 3	<ul style="list-style-type: none"> <li>• Case file</li> <li>• LSI 27-56</li> </ul>	

<p><i>Class 5</i> (Wednesday, September 6): Introduction to Legal Analysis</p> <ul style="list-style-type: none"> <li>The case file; legal analysis, interpretation, and reasoning; case analysis</li> </ul>	<ul style="list-style-type: none"> <li>RPAPL §§ 711, 713(7), 768, 853</li> <li>RPL §§ 226-c, 232-a</li> <li><i>Andrews v. Acacia Network</i> (App. Term 2018)</li> <li><i>Andrews v. Acacia Network</i> (Civ. Ct. 2016)</li> </ul>	
<p>WEEK 4</p> <p><i>Class 6</i> (Monday, September 11): Legal Analysis, cont'd</p> <ul style="list-style-type: none"> <li>Case analysis, cont'd; case gridding; forms of legal reasoning; rule synthesis/statement</li> </ul>	<ul style="list-style-type: none"> <li><i>Shearin v. Back on Track Grp.</i> (2014)</li> <li><i>American Jewish Theatre v. Roundabout Theatre</i> (1994)</li> <li><i>Coppa v. LaSpina</i> (2007)</li> <li><i>NRI Group v. Crawford</i> (2016)</li> </ul>	<p><i>Draft synthesized licensee/tenant rule statement</i></p>
<p><i>Class 7</i> (Wednesday, September 13): The Predictive Interoffice Memorandum of Law</p> <ul style="list-style-type: none"> <li>Case analysis/gridding, cont'd; the predictive memo; CRRACC structure; legal analysis/reasoning, cont'd; analogizing/distinguishing cases; rule statement</li> </ul>		
<p>WEEK 5</p> <p><i>Class 8</i> (Monday, September 18): The Interoffice Memo</p> <ul style="list-style-type: none"> <li>Evaluative criteria; rule statement, cont'd; rule explanation; giving/receiving feedback</li> </ul>	<ul style="list-style-type: none"> <li>Interoffice Memo IA evaluative criteria</li> <li>LSI 82-92</li> <li>STUCKEY, BEST PRACTICES FOR LEGAL EDUCATION 176-177 (2007)</li> </ul>	<p><i>Draft synthesized licensee/tenant rule statement due in class today</i></p>
<p><i>Conference</i> (Tuesday, September 19): Legal Analysis/Writing Workshop</p> <ul style="list-style-type: none"> <li>Lawyering mentors-led workshop</li> </ul>		
<p><i>Class 9</i> (Wednesday, September 20): The Interoffice Memo</p> <ul style="list-style-type: none"> <li>Rule explanation, cont'd; rule application</li> </ul>	<ul style="list-style-type: none"> <li>LSI 92-113</li> </ul>	

<i>Monday, September 25—Yom Kippur—No Class</i>		
<p>WEEK 6</p> <p><i>Class 10</i> (Tuesday, September 26): The Interoffice Memo</p> <ul style="list-style-type: none"> <li>• <b>Legislative Monday: class meets 9:30-11:30 a.m.</b></li> <li>• Rule explanation/application, cont'd; counteranalysis; statement of facts; writing for the digital reader/lawyering in the digital age</li> </ul>	<ul style="list-style-type: none"> <li>• LSI 113-115</li> <li>• Rosenberg, <i>Why Lawyers Should Write for the Digital Reader</i> (2023)</li> </ul>	
<p><i>Conference</i> (Tuesday, September 26): Citing Authorities/Bluebooking</p> <ul style="list-style-type: none"> <li>• Student-led citation/Bluebooking workshop</li> </ul>		<i>Lexis Interactive Citation Workshop exercises</i>
<p><i>Class 11</i> (Wednesday, September 27): The Interoffice Memo</p> <ul style="list-style-type: none"> <li>• Umbrella section; questions presented; brief answers; conclusion; writing in plain English</li> </ul>	<ul style="list-style-type: none"> <li>• LSI 101-104; 116-124</li> <li>• Wydick &amp; Sloan 3-54</li> </ul>	
<p>WEEK 7</p> <p><i>Class 12</i> (Monday, October 2): The Interoffice Memo</p> <ul style="list-style-type: none"> <li>• Writing workshop—revising/editing/proofreading your memo; plain English, cont'd</li> </ul>		
<p><i>Conference</i> (Tuesday, October 3): Writing in Plain English</p> <ul style="list-style-type: none"> <li>• Writing Fellows-led workshop</li> </ul>		
<p><i>Class 13</i> (Wednesday, October 4): The Interoffice Memo</p> <ul style="list-style-type: none"> <li>• Finalizing your memo</li> </ul>	<ul style="list-style-type: none"> <li>• Interoffice Memo IB evaluative criteria</li> </ul>	<i>Interoffice Memo IA due 11:59 p.m. Friday, October 6</i>
<i>Monday, October 9—Indigenous People's Day—No Class</i>		

<b><i>Tuesday, October 10-Friday, October 20—Midterm Period—No Group Classes</i></b>		
WEEK 8 <i>Conference</i> (Tuesday, October 10): Individual Conferences <ul style="list-style-type: none"> <li>• No group class</li> <li>• Memo conferences</li> </ul>		<i>Please sign up for an individual meeting with me to discuss Interoffice Memo IA<sup>3</sup></i>
<i>Class 14</i> (Wednesday, October 11): Individual Conferences <ul style="list-style-type: none"> <li>• No group class</li> <li>• Memo conferences</li> </ul>		
WEEK 9 <i>Class 15</i> (Monday, October 16): Individual Conferences <ul style="list-style-type: none"> <li>• No group class</li> <li>• Memo conferences</li> </ul>		
<i>Conference</i> (Tuesday, October 17): Individual Conferences <ul style="list-style-type: none"> <li>• No group class</li> <li>• Memo conferences</li> </ul>		
<i>Class 16</i> (Wednesday, October 18): Individual Conferences <ul style="list-style-type: none"> <li>• No group class</li> <li>• Memo conferences</li> </ul>		
WEEK 10 <i>Class 17</i> (Monday, October 23): Counseling a Client <ul style="list-style-type: none"> <li>• Lawyer as advisor/counselor; the client advice letter; psychological/emotional intelligence; problem-solving <i>redux</i>; legal/extra-legal considerations; collaborating professionally</li> </ul>	<ul style="list-style-type: none"> <li>• LSI 252-282</li> <li>• Schiess, <i>Writing for the Client</i> (2002)</li> <li>• Epstein, et al., <i>Collaboration</i> (2014)</li> <li>• <a href="#">NY Rule of Professional Conduct 2.1</a></li> <li>• Client letter/email and counseling assignment memo</li> <li>• Client letter/email and counseling teams list</li> </ul>	
<i>Class 18</i> (Wednesday, October 25): Counseling a Client <ul style="list-style-type: none"> <li>• Preparing for the counseling session</li> </ul>	<ul style="list-style-type: none"> <li>• Client letter/email and counseling plan evaluative criteria</li> </ul>	<b><i>Interoffice Memo IB due 11:59 p.m. today</i></b>

<sup>3</sup> These meetings will be held on Zoom. Please signup via TWEN; note that some of these slots are outside of scheduled class time.

<p>WEEK 11</p> <p><i>Class 19</i> (Monday, October 30): Counseling a Client</p> <ul style="list-style-type: none"> <li>• Client counseling session and debrief</li> </ul>		<p><i>Client Letter/Email and Counseling Plan due 9:30 a.m. today<sup>4</sup></i></p>
<p><i>Class 20</i> (Wednesday, November 1): Case Analysis and the Interoffice Memo, cont'd</p> <ul style="list-style-type: none"> <li>• Case analysis for Interoffice Memo II</li> </ul>	<ul style="list-style-type: none"> <li>• Review LSI 57-126</li> <li>• Interoffice Memo II evaluative criteria</li> <li>• <i>Romanello v. Hirschfeld</i> (App. Div. 1983)</li> <li>• <i>Romanello v. Hirschfeld</i> (Ct. of Appeals 1984)</li> <li>• <i>Cooper v. Back on Track</i> (2014)</li> </ul>	<p><i>Client counseling reflection memo due 9:00 a.m. Friday, November 3</i></p>
<p>WEEK 12</p> <p><i>Class 21</i> (Monday, November 6): Case Analysis and the Interoffice Memo, cont'd</p> <ul style="list-style-type: none"> <li>• CRRACC <i>redux</i>: rule statement</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Simar Holding v. GSC</i> (2011)</li> <li>• <i>Chili Venture v. Stahl</i> (2016)</li> </ul>	<p><i>Draft synthesized contract of adhesion rule statement</i></p>
<p><i>Class 22</i> (Wednesday, November 8): Case Analysis and the Interoffice Memo, cont'd</p> <ul style="list-style-type: none"> <li>• Rule explanation/application</li> </ul>		
<p>WEEK 13</p> <p><i>Class 23</i> (Monday, November 13): Case Analysis and the Interoffice Memo, cont'd</p> <ul style="list-style-type: none"> <li>• Rule explanation/application, cont'd; counteranalysis; conclusion</li> </ul>		
<p><i>Conference</i> (Tuesday, November 14): Writing/Citation/Bluebooking</p> <ul style="list-style-type: none"> <li>• Student-led workshop</li> </ul>		
<p><i>Class 24</i> (Wednesday, November 15): Case Analysis and the Interoffice Memo, cont'd</p> <ul style="list-style-type: none"> <li>• Rule explanation/application,</li> </ul>		

<sup>4</sup> Please submit the draft letter/email and plan as a team.



counteranalysis, conclusion, cont'd		
WEEK 14 <i>Class 25</i> (Monday, November 20): Case Analysis and the Interoffice Memo, cont'd <ul style="list-style-type: none"> <li>• Rule explanation/application, counteranalysis, conclusion, cont'd</li> </ul>		
<b><i>Wednesday, November 22—Thanksgiving Break—No Classes</i></b>		
WEEK 15 <i>Class 26</i> (Monday, November 27): Finalizing the Interoffice Memo <ul style="list-style-type: none"> <li>• Writing workshop</li> </ul>		
<i>Conference</i> (Tuesday, November 28): Office Hours <ul style="list-style-type: none"> <li>• The Writing Fellows and I will hold open office hours during this time</li> </ul>		
<i>Class time</i> (Wednesday, November 29): Fall Reflection and Celebration <ul style="list-style-type: none"> <li>• Last group class</li> <li>• <i>End-of-term panel discussion 6:15-7:45 p.m. Please plan on attending this panel discussion, which will feature attorneys working on these matters.</i></li> </ul>	<i>For evening panel discussion:</i> <ul style="list-style-type: none"> <li>• <i>Jimenez v. 1171 Washington Ave. (2020)</i></li> <li>• <i>Salazar v. Core Services Group, Inc. (2020)</i></li> </ul>	<b><i>Interoffice Memo II due 11:59 p.m. today</i></b>

FACULTY AND STAFF INFORMATION

Professor Eduardo R.C. Capulong

[eduardo.capulong@law.cuny.edu](mailto:eduardo.capulong@law.cuny.edu)

Office hours: Tuesdays, 2:30-3:30 p.m. and by appointment

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*The City University of New York*

**CUNY SCHOOL OF LAW**

*Law in the Service of Human Needs*

LAWYERING SEMINAR IIA  
SYLLABUS

Tuesdays/Thursdays, 9:30-11:30 a.m. (Class)  
Thursdays, 2:00-3:00 p.m. (Conference)  
Room 4/203

Professor Capulong  
Spring Term 2024

COURSE DESCRIPTION AND LEARNING OUTCOMES

Welcome to Lawyering Seminar II. Building on Lawyering Seminar I last fall, we shift our focus this term from predictive legal analysis to persuasive legal advocacy. As a school, we have adopted a set of [learning outcomes](#) that are our expectations of you as a CUNY Law graduate. This course addresses some of these outcomes so that, by its successful completion, you will be able to:

1. Appreciate the dynamic nature of disputes and the traditional advocacy contexts in which lawyers engage;
2. Understand the nature of, investigate, and develop facts; articulate a persuasive factual narrative; and write an affidavit/affirmation;
3. Systematically consider key considerations involved in, plan for, and execute a negotiation on behalf of a client;
4. Craft a persuasive legal argument and write a brief;
5. Conduct an oral argument; and
6. Further develop an approach to your role, responsibility, values, and identity as a lawyer.

Like Lawyering Seminar I, this course involves a semester-long simulation in which you will play the role of attorney (and I, your supervisor). Using a municipal tort matter, we will, among other tasks, interview a witness, conduct legal research, write an affidavit/affirmation, negotiate with opposing counsel, write a brief, and orally argue before a judge. As we did last fall, we will engage in each of these tasks using a five-step method of inquiry, preparation, execution, reflection, and generalization—the clinical “plan-do-reflect” method.

REQUIRED TEXTS

- LAWYERING SEMINAR: VOLUME I (2016) (“LSI”)
- LAWYERING SEMINAR: VOLUME II (2016) (“LSII”)
- RICHARD C. WYDICK & AMY E. SLOAN, PLAIN ENGLISH FOR LAWYERS (6<sup>th</sup> ed. 2019) (“Wydick & Sloan”)

- ROSS GUBERMAN, POINT MADE (2<sup>nd</sup> ed. 2014) (“Guberman”)
- THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (21<sup>st</sup> ed. 2020) (“Bluebook”)

### ASSESSMENT AND GRADING

You will receive plenty of oral and written, formal and informal feedback—or formative assessment—throughout the semester. Summatively, your final grade will be based on:

1. Witness Affidavit/Affirmation (5%)
2. Negotiation (10%)
3. First/Partial Draft Memorandum of Law (20%)
4. Oral Argument (20%)
5. Final/Full Draft Memorandum of Law (35%)
6. Professionalism (10%), including:
  - a. Class attendance, preparation, engagement, and participation;
  - b. Preparation, participation, and performance on ungraded assignments and class exercises;
  - c. Progress throughout the semester;
  - d. Self-reflection and -critique; and
  - e. Oral and written communication in and out of class.

### EXPECTATIONS AND OTHER INFORMATION

Class Preparation, Attendance, and Participation. This course, like any other, depends on everyone’s active engagement. You therefore are required to prepare for, attend, and participate in each and every class and meeting.

- “Preparation” means that you have done all the required readings, have turned in any written assignments on time, have thought about the class/meeting in advance, and are otherwise fully prepared to engage. In this course, as in your other law school courses, you generally should plan to spend two hours preparing for each hour of class.
- “Attendance” means reporting to class/meeting on time and remaining until class/meeting is finished.
- “Participation” means your rapt attention, active listening, and vocal participation.

I excuse class absences only under extraordinary circumstances and if I am notified in writing in advance.

Respect and Collegiality. Sensitive and sometimes controversial topics are inherent in our work, just as they are to the actual practice of law. Our goal is to create an environment that encourages everyone to speak and participate as well as to listen and to learn. Recognizing that the class represents a variety of individual beliefs, backgrounds, and experiences, you are required to treat each other with curiosity, civility, and respect, and share the responsibility for making our class a safe, productive place to learn.

*Mental Health Resources.* Mental health issues can be exacerbated in law school, even when mental health never has been an issue. CUNY Law is committed to promoting mental wellness in our students. Our counseling resources offer support for a range of issues in a confidential and safe environment. If you find yourself needing support, please email [mentalwellness@law.cuny.edu](mailto:mentalwellness@law.cuny.edu).

*Pronoun/Name Statement.* I will gladly honor requests to address you by an alternate name or gender pronoun that varies from the name I receive from the registrar. Please advise me of this preference as soon as you can so that I can act accordingly.

*Course Management System/E-Mail.* We will be using the TWEN course management system. You also will receive email from my school address, [eduardo.capulong@law.cuny.edu](mailto:eduardo.capulong@law.cuny.edu). Please check our TWEN course website and your email regularly.

*Writing Assignment Guidelines.* Unless noted otherwise, written assignments must be typed and double-spaced using 12-point Times New Roman (or equivalent) font with one-inch margins on all sides. Please include an identifying header or footer and number all pages. *Page limits are strict.* If you do not follow these rules, I will reduce your grade for that assignment and/or return the assignment to you. Unless instructed otherwise, *please submit assignments via the TWEN Assignments page using the following file name:* “[your last name] [name of assignment, e.g. “Affidavit” or “Affirmation”] Spring 2024.”

*Due Dates and Times.* Time management is key to effective lawyering. Our due dates and times are also set forth well in advance. For these reasons—and also because they are coordinated with your other course deadlines and exams—*assignment due dates and times are strict.* All requests for reasonable accommodations for deadlines should be made through Disabilities Coordinator Pat Kennedy, [kennedy@law.cuny.edu](mailto:kennedy@law.cuny.edu).

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*AI and ChatGPT.* Because one of our primary objectives is to teach you how to write legally, you may not use artificial intelligence, e.g., ChatGPT, to generate any written work.

*Conference Time.* Scheduled Thursdays, 2:00 p.m.-3:00 p.m., this time will be used for group classes as set forth below or individual or small-group meetings, writing workshops, make-up classes, office hours, and community-building activities. *Please do not schedule activities during these times and assume that we will use them each week unless noted or announced otherwise.*

SCHEDULE, READINGS, AND ASSIGNMENTS

The following table lists our classes, readings, and assignments. Please note that meetings may be subject to change, depending on the pace of our work. If there is a conflict between this schedule and what I announce in class, please follow the latter. Note, too, that I may assign additional readings and that our readings provide context and may not be discussed fully in class. After class, I may e-mail additional instructions and/or drafting assignments for the next class. Those instructions and assignments are a supplement to the assignments here, not a substitute. Unless noted otherwise, all readings are in the required texts, on TWEN, hyperlinked, or distributed.

<i>Class/Topics</i>	<i>Readings/Materials</i>	<i>Assignments</i>
<p>WEEK 1  <i>Class 1</i> (Tuesday, January 16): Lawyering Seminar II: The Course, Simulation, &amp; Semester</p> <ul style="list-style-type: none"> <li>○ Introductions; from predictive analysis to persuasive advocacy; syllabus; schedule; disputing theory; traditional advocacy contexts; municipal tort liability &amp; ‘special relationship’ exception</li> </ul>	<ul style="list-style-type: none"> <li>○ Amsterdam, et al., <i>Advocacy Contexts</i> (2014)</li> <li>○ <i>Cuffy v. NYC</i> (1987)</li> <li>○ <i>Laratro v. NYC</i> (2006)</li> </ul>	<p><i>Draft ‘special relationship’ exception rule statement due in class</i></p>
<p><i>Class 2</i> (Thursday, January 18): <i>Rivera v. City of NY</i></p> <ul style="list-style-type: none"> <li>○ Simulation; complaint; ‘special relationship’, continued; rule analysis</li> <li>○ Legal research workshop 10:30-11:30 with Professor Sokkar-Harker on Zoom</li> </ul>	<ul style="list-style-type: none"> <li>○ Complaint</li> <li>○ <i>Sorichetti v. NYC</i> (1985)</li> <li>○ <i>Kircher v. City of Jamestown</i> (1989)</li> <li>○ <i>Stata v. Village of Waterford</i> (1996)</li> </ul>	<p><i>Revise rule statement</i></p> <p><i>Begin legal/extra-legal research and post on TWEN Forum ‘Cases &amp; Secondary Sources’: 2 secondary sources; 5 cases with 1-sentence explanation of relevance &amp; 3 websites related to topic</i></p>
<p>WEEK 2  <i>Class 3</i> (Tuesday, January 23): Interviewing a Witness</p> <ul style="list-style-type: none"> <li>○ Client v. witness interview; interview technique <i>redux</i>; interview planning;</li> </ul>	<ul style="list-style-type: none"> <li>○ LSI 243-251</li> <li>○ Witness interview &amp; affidavit/affirmation role memo<sup>1</sup></li> <li>○ <a href="#">NYRPC 3.4, 4.1, 4.3, 4.4</a></li> </ul>	<p><i>Revised rule statement due 9:30 a.m. today</i></p> <p><i>Continue researching, briefing &amp; organizing cases</i></p>

<sup>1</sup> You’ll find all assignment/role memos, attachments, and case documents in the “Case File” folder on TWEN.

the affidavit/affirmation		
<p><i>Class 4</i> (Thursday, January 25): ‘Facts’</p> <ul style="list-style-type: none"> <li>Epistemology, construction &amp; development of ‘fact’; fact-skepticism; narrative in fact construction; interview planning, affidavit/affirmation, cont’d</li> </ul>	<ul style="list-style-type: none"> <li>Amsterdam, et al., <i>Developing &amp; Using Facts</i> (2014)</li> <li>LSI 192-208</li> <li>Robbins, <i>What is a ‘Fact’? A ‘Story’</i> (2017)</li> </ul>	<i>Research results due 11:59 p.m. Friday, January 26</i>
<p>WEEK 3</p> <p><i>Class 5</i> (Tuesday, January 30): Interviewing a Witness</p> <ul style="list-style-type: none"> <li>Witness interview &amp; debrief; the affidavit/affirmation, cont’d</li> </ul>	<ul style="list-style-type: none"> <li>Affidavit/affirmation assignment guidelines</li> <li>Affidavit/affirmation evaluative criteria</li> </ul>	<i>Draft affidavit/affirmation</i>
<p><i>Class 6</i> (Thursday, February 1): The Persuasive Memorandum of Law a/k/a ‘Brief’</p> <ul style="list-style-type: none"> <li>Witness interview reflection; affidavit/affirmation, cont’d; attorney role assignments; purpose and structure of a brief; CRRACC, case analysis, synthesis, and gridding <i>redux</i>; predictive v. persuasive writing; the case file; theory of the case</li> </ul>	<ul style="list-style-type: none"> <li>Review LSI 39-50</li> <li>LSII 1-15, 44-75</li> <li>Sample briefs</li> <li>Case file</li> <li>Attorney role assignments</li> </ul>	
<p><i>Conference</i> (Thursday, February 1): The Persuasive Memorandum of Law</p> <ul style="list-style-type: none"> <li>Persuasive writing, CRRACC, case analysis/synthesis/gridding, case theory, cont’d; umbrella section; points of</li> </ul>	<ul style="list-style-type: none"> <li>Guberman 91-120, 124-162</li> <li>CPLR § 3211</li> <li><i>Campaign for Fiscal Equity v. NY</i> (1995)</li> <li><i>Leon v. Martinez</i> (2012)</li> <li>Other cases to be announced (TBA)</li> <li><a href="#">NYRPC 1.1 &amp; comment 8</a></li> </ul>	<i>Rewrite rule statement persuasively</i>

argument; the motion to dismiss		
<b><i>Affidavit/Affirmation of Dani Angeles due 11:59 p.m. Monday, February 5</i></b>		
<p>WEEK 4</p> <p><i>Class 7</i> (Tuesday, February 6): The Persuasive Memorandum of Law</p> <ul style="list-style-type: none"> <li>○ Affidavit/affirmation reflection; case analysis/gridding cont'd; analogizing &amp; distinguishing cases; rule explanation &amp; application with multiple authorities</li> </ul>	<ul style="list-style-type: none"> <li>○ LSII 83-101</li> <li>○ Guberman 162-179</li> <li>○ Final list of authorities</li> <li>○ CUNY Law Legal Writing Center <a href="#">web page</a> (sample brief(s))</li> <li>○ LSII Appendices A &amp; B</li> </ul>	<p><i>Revised persuasive rule statement due in class</i></p>
<p><i>Class 8</i> (Thursday, February 8):</p> <ul style="list-style-type: none"> <li>○ PILC Fair—no class</li> </ul>		
<p>WEEK 5</p> <p><i>Class 9</i> (Tuesday, February 13): Negotiating a Dispute</p> <ul style="list-style-type: none"> <li>○ Alternative dispute resolution (ADR) &amp; the ‘vanishing trial’; negotiation theory/games; distributive v. integrative bargaining</li> </ul>	<ul style="list-style-type: none"> <li>○ Amsterdam, et al., <i>Planning for Negotiation</i> (2014)</li> <li>○ <a href="#">NYS Unified Court System ADR policy</a></li> <li>○ Fiss, <i>Against Settlement</i> (1984)</li> <li>○ Negotiation role memo &amp; confidential facts/exercise instructions/plan guidelines</li> </ul>	
<p><i>Class 10</i> (Thursday, February 15): Negotiating a Dispute</p> <ul style="list-style-type: none"> <li>○ Negotiation strategy/tactics/dynamics; negotiation planning; ‘best alternative to a negotiated agreement’ (BATNA); bargaining in ‘shadow of the law’; legal/extra-legal norms</li> </ul>	<ul style="list-style-type: none"> <li>○ Negotiation evaluative criteria</li> </ul>	<p><i>Draft negotiation plan</i></p> <p><i>Negotiation plan (team) due 11:59 p.m. day prior to negotiation</i></p> <p><i>Begin drafting ‘direct contact’ point</i></p>
<b><i>February 19-23—Negotiation Exercise</i></b>		
<p>WEEK 6</p> <p><i>Class 11</i> (Tuesday, February 20): The Persuasive Memorandum of Law</p>		



<ul style="list-style-type: none"> <li>○ Case analysis/gridding, analogizing &amp; distinguishing cases, rule explanation &amp; application with multiple authorities, cont'd</li> </ul>		
<p><i>Class 12</i> (Thursday, February 22 ): The Persuasive Memorandum of Law</p> <ul style="list-style-type: none"> <li>○ Case analysis/gridding, analogizing &amp; distinguishing cases, rule explanation &amp; application with multiple authorities, cont'd</li> </ul>	<ul style="list-style-type: none"> <li>○ First/partial memorandum of law evaluative criteria</li> </ul>	<p><i>Draft 'direct contact' point due 9:30 a.m. today</i></p> <p><i>Begin drafting 'assumption of duty' point</i></p>
<p><i>Conference</i> (Thursday, February 22): Writing Workshop</p> <ul style="list-style-type: none"> <li>○ Persuasive thesis sentences workshop led by Writing Fellows</li> </ul>		
<p>WEEK 7 <i>Class 13</i> (Tuesday, February 27): The Persuasive Memorandum of Law</p> <ul style="list-style-type: none"> <li>○ Negotiation debrief/reflection; counterarguments; writing a persuasive statement of facts; fact statement workshop; universal design/writing for the digital reader (hyperlinking, bookmarking, etc.), visual design</li> </ul>	<ul style="list-style-type: none"> <li>○ LSII 79-82, 114-134</li> <li>○ Guberman 47-89</li> </ul>	
<p><i>Class 14</i> (Thursday, February 29): Writing Workshop</p> <ul style="list-style-type: none"> <li>○ Topic(s) TBA</li> </ul>	<ul style="list-style-type: none"> <li>○ Guberman 187-244</li> <li>○ Review Wydick &amp; Sloan, Chs. 1-7</li> </ul>	

<p><i>Conference</i> (Thursday, February 29): Citation Workshop</p> <ul style="list-style-type: none"> <li>○ Citation/Bluebook workshop</li> </ul>		
<p>WEEK 8</p> <p><i>Class 15</i> (Tuesday, March 5): The Persuasive Memorandum of Law</p> <ul style="list-style-type: none"> <li>○ Pulling it all together—statement of facts; umbrella section; direct contact/assumption of duty points; plain English <i>redux</i></li> </ul>		
<p><i>Class 16</i> (Thursday, March 7): Writing/Citation Workshop</p> <ul style="list-style-type: none"> <li>○ Topics TBA</li> </ul>		
<p><i>Conference</i> (Thursday, March 7): Citation Workshop</p> <ul style="list-style-type: none"> <li>○ Citation/Bluebook workshop</li> </ul>		
<p><b><i>First/Partial Draft Memorandum of Law due 11:59 p.m. Friday, March 8</i></b></p>		
<p><b><i>March 11-22—Midterms—No Group Classes—Individual Memo Conferences</i></b></p>		
<p>WEEK 9</p> <p><i>Class 17</i> (Tuesday, March 12): Individual Memo Conferences</p> <ul style="list-style-type: none"> <li>○ No group class</li> </ul>		<p><i>Please sign up for an individual meeting with me beginning this week to discuss your first/partial draft memo</i></p> <p><i>During midterm period, continue case analysis and begin drafting ‘justifiable reliance’ point</i></p>
<p><i>Class 18</i> (Thursday, March 14): Individual Memo Conferences</p> <ul style="list-style-type: none"> <li>○ No group class</li> </ul>		
<p><i>Conference</i> (Thursday, March 14): Individual Memo Conferences</p> <ul style="list-style-type: none"> <li>○ No group class</li> </ul>		

WEEK 10 <i>Class 19</i> (Tuesday, March 19): Individual Memo Conferences ○ No group class		<i>Continue case analysis &amp; drafting this week</i>
<i>Class 20</i> (Thursday, March 21): Individual Memo Conferences ○ No group class		
<i>Conference</i> (Thursday, March 21): Individual Memo Conferences ○ No group class		
<b><i>March 25-29—Spring Break—No Classes</i></b>		
WEEK 11 <i>Class 21</i> (Tuesday, April 2): The Persuasive Memorandum of Law, cont'd ○ 'Justifiable reliance'; the introduction/preliminary statement; revisiting the fact statement	○ Guberman 1-38, 153-186	<b><i>Draft 'justifiable reliance' point due 9:30 a.m.</i></b>
<i>Class 22</i> (Thursday, April 4): The Persuasive Memorandum of Law, cont'd ○ 'Justifiable reliance,' cont'd; overall conclusion; outline of final draft brief; point headings; cover sheet; table of contents/authorities	○ Final draft memorandum of law evaluative criteria ○ Guberman 301-312	
WEEK 12 <i>Class 23</i> (Tuesday, April 9): The Art of Oral Advocacy ○ Oral argument in trial court	○ LSII 177-179, 189-214 ○ Oral argument assignment memo & court order	
<i>Class 24</i> (Thursday, April 11): Preparing for Oral Argument ○ Planning workshop; oral argument plan; podium documents	○ LSII 180-189, 214-228 ○ Oral argument plan/argument guidelines ○ Oral argument evaluative criteria	<b><i>Oral argument plan due 5 p.m. day prior to your oral argument</i></b>
<b><i>April 15-26—Oral Argument Exercise</i></b>		
<b><i>April 23—Passover—No Class</i></b>		

WEEK 13 <i>Class 25</i> (Tuesday, April 16): Oral Arguments ○ No group class		
<i>Class 26</i> (Thursday, April 18): Oral Arguments ○ No group class		
<i>Conference</i> (Thursday, April 18): Oral Arguments ○ No group class		
WEEK 14 <i>Class 27</i> (Tuesday, April 23): No Classes—Passover		
<i>Class 28</i> (Thursday, April 25): Oral Arguments ○ No group class		
<i>Conference</i> (Thursday, April 25): Oral Arguments ○ No group class		
<i>Class 29</i> (Tuesday, April 30): Last Class ○ Term review & reflections; end-of-year celebration		
<b><i>Final/Full Draft Memorandum of Law due 11:59 p.m. Wednesday, May 1</i></b>		

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