

# LEGAL PROFESSION I (LAW-6105 Sections 01 and 03)

Fall 2023 – Syllabus & Course Description

Professor Zink

**Please read this entire document.**

**You are responsible for knowing the information it contains.**

*“[T]he true measure of our commitment to justice, the character of our society, our commitment to the rule of law, fairness, and equality cannot be measured by how we treat the rich, the powerful, the privileged, and the respected among us. The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned.”*

- Bryan Stevenson, Just Mercy 18 (2014).

In addition to the course information described in this document, please review the **Legal Profession Program Policies** available on the course Isidore site.

## **Professor Zink’s Contact Information and Office Hours**

Office:	Keller Hall 413	Tuesdays:	1:00-2:30 p.m.
Phone:	(937) 229-3542	Wednesdays:	2:30-4:30 p.m.
E-mail:	<a href="mailto:jzink1@udayton.edu">jzink1@udayton.edu</a>	Thursdays:	9:00-10:30 a.m.

## **Teaching Assistants’ Contact Information**

Samantha Moore [moores21@udayton.edu](mailto:moores21@udayton.edu)  
Isabele Castle [castlei2@udayton.edu](mailto:castlei2@udayton.edu)

## **Required Texts**

A LAWYER WRITES (3d ed. 2018) [Coughlin]  
THE BLUEBOOK (21st ed.) [BB]  
JUST MERCY (2014) [Just Mercy]

You are also required to purchase a subscription to CoreGrammar, and to activate your free Lexis and Westlaw student subscriptions.

Welcome to Legal Profession I, the first part of a two-semester course sequence, covering the fundamental lawyering skills of legal analysis, legal research, and legal writing. The course objectives are as follows:

### **Students will demonstrate knowledge of the law.**

- Students will demonstrate knowledge of the American legal system.
- Students will demonstrate understanding of the fundamentals of legal method.
- In the context of an assignment, students will identify, describe, and interpret the fundamental terms, rules, and principles of the law related to the assignment.

### **Students will demonstrate analytical skills.**

- Students will critically read the applicable authority, identify the key rules within each authority, and synthesize those rules into a logical framework for analysis.
- Students will compare two or more principles, cases, arguments, etc. and determine the extent to which they are similar or dissimilar.

- The student will compare the facts or circumstances in a problem to cases or principles to determine the likely outcome of the problem.

**Students will communicate effectively and efficiently.**

- Students will write legal documents that are clear, concise, well-organized, professional in tone, appropriate to the audience and circumstances, and if appropriate, contain proper citation to authority.
- Students will speak in a clear, concise, well-organized, professional manner that is appropriate to the audience and circumstances.

**Students will perform effective and efficient research.**

- Students will develop an understanding of the research process, including the need to research strategically and thoroughly, and to keep adequate research notes.
- Students will demonstrate knowledge of the hierarchy and weight of authority.
- Students will recognize and efficiently use the fundamental tools of legal research.

**Students will exhibit and continue to develop cultural humility and competency, professionalism, and ethics.**

- Students will demonstrate self-reliance, self-learning, and self-evaluation skills.
- Students will operate under professional norms and recognize their professional responsibilities, including time management skills, decorum to the court, and interpersonal skills with clients, courts, and colleagues.
- Students will increase their awareness, content knowledge, cognitive sophistication, and empathetic understanding of the complex ways individuals interact within systems and institutions.
- Students will make moral and ethical judgments based on accepted legal, ethical, and professional standards.

**Class Meetings:** Legal Profession I meets twice a week. Section 1 (Z) will meet in Room 223 on Tuesdays and Thursdays from 3:00 p.m. to 4:30 p.m., and Section 3 (X) will meet in Room 222 on Tuesdays and Thursdays from 10:45 a.m. to 12:15 p.m. Occasionally, class will meet at different times and locations. These changes from the regular schedule are noted on the syllabus (e.g., Oct. 5; Nov. 16) or will be announced in class or via Isidore announcements.

**Attendance:** Attendance is taken daily with an attendance sheet. If the sheet does not make it to your row, please let me know before class is dismissed. **There are no excused absences.** Barring extraordinary circumstances, you are expected to come to class prepared and participate in class meetings in a professional manner. **If you are unprepared, arrive late or are asked to leave class, that will count as an absence.** (Draft and research conferences count as classes.) You may miss three (3) Legal Profession I classes without penalty; after that, sanctions will be applied as follows:

<b>4 classes missed</b>	<b>Warning letter sent</b>
<b>5 classes missed</b>	<b>Final grade reduced 10 points</b>
<b>6 classes missed</b>	<b>Student receives a failing grade in the course</b>

**Isidore:** Legal Profession I course materials will be available on the University of Dayton's Isidore platform (<https://isidore.udayton.edu>). As an enrollee of Legal Profession I, you are automatically registered to the Legal Profession I Isidore site. Isidore will be the primary web resource for this class and will be used for sending announcements, scheduling conferences, taking quizzes, submitting exercises, and anonymously submitting graded memos. It is critical that you check your email and Isidore regularly.

**Core Grammar:** You are required to obtain a subscription to *Core Grammar for Lawyers* ("CGL"), an online, self-directed grammar instruction tool located at [www.coregrammarforlawyers.com](http://www.coregrammarforlawyers.com). During orientation, you were instructed to enter your class code and take a pre-test. The school code is **DAYTON23**, and the class code is **323-173-9747**. **The pre-test must be completed prior to your first Legal Pro I class.** Thereafter, you will work individually to review the lessons and complete the exercises required. **The post-test must be completed with a score of 80% or higher by 11:55 p.m. on Friday, September 22. Failure to do so will result in a five (5) point reduction in your final Legal Pro I course grade.**

**Work Expectations:** This course is a 3-credit course, which means that in addition to attending the scheduled classes, students are expected to do *at least* seven hours of Legal Pro-related work each week during the semester. This includes things like completing assigned readings, doing homework assignments, studying for and taking quizzes, researching, drafting memoranda, and completing other tasks required to earn credit in the course. Because this is a first-year course and you have yet to master critical reading and other skills, you may well need to devote significantly more than seven hours to study in a given week.

**Accommodations:** If you anticipate or experience physical or academic barriers based on a disability, you must complete the University's Accommodation Request Process found at <https://udayton.edu/lrc/learningresources/disability/accommodations/accommodations-process.php> to obtain an accommodation. **Make certain that you identify yourself as a law student when making your request for accommodations.** I strongly recommend that you begin the process as soon as possible. It can take time to gather the needed documentation, etc. If you have secured a current Self-Identification Form from the Office of Learning Resources ("OLR") indicating you have a disability that requires academic accommodations, please present the Self-Identification Form to me so I will be able to provide the appropriate accommodation needed in this class. If you need assistance accessing print material, including textbooks and electronic material such as PDF documents, please review the OLR website information about alternative formats under Disability Resources.

**Electronics:** Laptops are permitted, and sometimes requested, in class. You may use these devices for note-taking and class exercises only. You are not permitted to access the Internet during class unless it is part of a class exercise. Occasionally, we will use the Internet for legal research. All other electronics, including smartphones, should be turned off and put away. **If you are using electronics for a purpose unrelated to class activities, you may be asked to disconnect, power down your device, or leave class. If you are asked to leave class, such dismissal will count as an absence.**

## Assignments, Due Dates, and Percentages Allotted

You will be asked to complete graded assignments, homework, and quizzes for this course. The assignments, their due dates, and the weight they will be given are listed below:

Assignment	Date Due	% of Final Grade
Exercises, Quizzes, and Reflections*	Throughout the semester	10%
Closed Memo	Upload by 11:55 p.m. on Wednesday, October 11	30%
Research Report	Upload by 9:00 a.m. on Wednesday, November 1	10%
Open Memo	Upload by 11:55 p.m. on Wednesday, November 22	50%
Core Grammar Post-Test	Complete at a score of 80% or higher by 11:55 p.m. on Friday, September 22	5 pt. deduction of course grade if not completed as required
<b>TOTAL</b>		100%

### \* **Class Exercises, Quizzes & Reflections** – *noted in red on the syllabus*

Class exercises are due periodically throughout the semester as indicated on the syllabus and must be completed individually, unless specifically instructed to complete as a group assignment. **Late exercises, quizzes, and reflections will not be accepted.** Unless otherwise instructed, all exercises should be submitted in typed form and turned in at the beginning of class. (If you are not able to attend class the day the exercise is due, you may email the completed exercise to your professor before your scheduled class time.) Further details regarding form and expectations will be communicated in class and on Isidore. **Please note that unannounced quizzes and additional exercises may also be given periodically throughout the semester, and account for part of the 10% Exercises, Quizzes & Reflections component of the course.**

**Academic Dishonesty and Plagiarism:** Passing off another's words in your class assignments as your own, which includes a computer program's words, is considered impermissible collaboration or plagiarism. Please see the Legal Profession Program Policies available on the course website for further information on academic dishonesty and plagiarism.

**Required Formats:** All uploaded documents must be in Microsoft Word. Page limits or suggested page length will be provided for each assignment. All submitted work must be typed, double-spaced, on 8 1/2" x 11" white paper with one-inch margins (top/bottom and left/right). The standard acceptable fonts for this class are: Times New Roman [12 point]; Palatino Linotype [12 point]; or Georgia [12 point]. Any attempt to customize fonts, spacing, etc. to get around page limits is a violation of assignment requirements and will be reported to the Honor Council. Please see the Legal Profession Program Policies for more in-depth information on formatting.

**Electronic Submissions:** You will upload your memoranda through our Isidore course site. Assignments must be submitted on time and according to the instructions provided. *Memoranda are considered "turned in" when they are uploaded.* **If a memorandum is submitted within one hour of the due date, a one (1) point penalty will be assessed. A point will be**

**deducted each hour thereafter.** (Please note that this policy does not apply to exercises, quizzes, or reflections; no credit will be given for any late exercises, quizzes, or reflections.)

Computer difficulties are rarely an acceptable excuse for a late assignment. As one court noted:

We agree that a computer malfunction is not sufficient justification for late submission of documents to the court, whether required by statute, court rule or court order. One does not need to be an expert to recognize that computers do not always work. It is not uncommon for previously accessible data to suddenly disappear. There can be any number of reasons why a computer system fails. There can be human errors inputting and accessing the data, electrical failures, power surges, and computer viruses. Not all programs are as dependable as others. Quite simply, systems fail regularly and do not always perform to their specifications. Such an occurrence is neither exceptional, unusual, nor without precedent. . . . Computer failures, not unlike human failures, must be anticipated.

*Martinelli v. Farm-Rite, Inc.*, 785 A.2d 33, 35-36 (N.J. Super. App. Div. 2001). You are expected to routinely back up your work and print out drafts as you work on assignments. If you do encounter problems uploading assignments, please contact Maribeth Mulhern ([mmulhern1@udayton.edu](mailto:mmulhern1@udayton.edu)) before the deadline and attach a copy of the memorandum to your email. To preserve anonymity, do not contact your professor.

**Legal Writing File:** Keep a copy of all assignments that you turn in, including drafts, all critiqued drafts, and graded papers returned to you. You may be asked to bring this portfolio of work with you to conferences. You should also keep a separate “Legal Pro I” folder on your computer and keep copies of each assignment in it. These copies come in handy if you should encounter computer problems or later as writing samples when applying for legal jobs. Uploaded files are removed from the server each semester; be sure to have your own copies.

The assignments for each class appear below; however, I reserve the right to modify the schedule.

DATE	TOPIC	ASSIGNMENT
<b>Complete During Orientation</b>		Read Legal Pro I Syllabus & Course Description, Program Policies, Core Grammar Instructions, and <u>Just Mercy</u> , Intro, Chs. 1-3; <b>complete CGL Pre-Test and Reflection #1 by 11:55 p.m. on 8/28</b>
<b>Week 1</b> Tues., Aug. 29	Introduction to the Legal System; Closed Memo Assignment; Analyzing Statutes	Read Coughlin, xix-xx, 3-43, 193-209, Closed Memo materials, and assigned statutory sections; <b>complete CGL lessons A1-A4 by 11:55 p.m. on 8/30</b>
Thurs., Aug. 31	Reading Cases	Read Coughlin, 45-59 and assigned cases; review example case brief; <b>submit statutory exercise at start of class</b>

DATE	TOPIC	ASSIGNMENT
<b>Week 2</b> Tues., Sept. 5	Synthesizing the Law	Read Coughlin, 61-91 and assigned cases; <b>submit case brief at start of class; complete CGL lessons D1-D4 and F1-F4 by 11:55 p.m. on 9/6</b>
Thurs., Sept. 7	Introduction to the Legal Memo; Major Thesis; CREAC Structure; Conclusion (the C section)	Read Coughlin, 93-97, 179-92, 211-27; review example memo (bring with you to class for next two weeks)
<b>Week 3</b> Tues., Sept. 12	Rules (the R section)	Read Coughlin, 99-112 and <u>Just Mercy</u> , Chs. 4-6; <b>complete CGL lessons B1-B4 and C1-C4 by 11:55 p.m. on 9/13</b>
Thurs., Sept. 14	Case Illustrations (the E section)	Read Coughlin, 113-132
<b>Week 4</b> Tues., Sept. 19	Application (the A section)	Read Coughlin, 141-77 and <u>Just Mercy</u> , Chs. 7-9
Thurs., Sept. 21	Statement of Facts; Question Presented; Brief Answer; Conclusion	Read Coughlin, 229-57
Fri., Sept. 22	<b>CGL Post-Test Due</b>	<b>Must receive 80% or above</b>
<b>Week 5</b> Tues., Sept. 26	Citation	Read Coughlin, 133-39 and Bluebook, 3-27; <b>submit draft statement of facts, question presented, and brief answer at start of class</b>
Thurs., Sept. 28	Writing Workshop	Read Coughlin, 259-83 and <u>Just Mercy</u> , Chs. 10-12
<b>Week 6</b> Tues., Oct. 3	<b>No Class – Attend mandatory draft conference</b>	<b>Draft memo must be emailed at least one hour before conference</b>
Thurs. Oct. 5	Guest Speaker – Andrew French, Appellate Div. Chief, Montgomery County Prosecutor’s Office	<b>Meet in Courtroom at noon for one-hour presentation</b>
<b>Week 7</b> Tues., Oct. 10	Closed Memo Q&A	
Weds., Oct. 11	<b>Closed Memo Due</b>	<b>Upload Closed Memo to Isidore by 11:55 p.m. on Weds., Oct. 11</b>
Thurs., Oct. 12	<b>No Class – Fall Break</b>	
<b>Week 8</b> Tues., Oct. 17	Intro to Legal Research & the Open Memo Assignment; Client Letters and Professional Emails	Read Open Memo materials, Coughlin, 285-328, and <u>Just Mercy</u> , Chs. 13-15
Thurs., Oct. 19	Legal Research – Secondary Sources & Statutes	<b>Submit group research exercise 11:55 p.m. on 10/20; complete Reflection #2 by 11:55 p.m. on 10/22</b>

DATE	TOPIC	ASSIGNMENT
<b>Week 9</b> Tues., Oct. 24	Legal Research – Case Law; Lexis Training	Read materials on Lexis, Bluebook, 57-66, 107-13, 126-27 and <u>Just Mercy</u> , Ch. 16, Epilogue and Postscript; bring laptop to class
Thurs., Oct. 26	Legal Research – Westlaw Training; Advanced Citation	Read materials on Westlaw, bring laptop and Bluebook to class
<b>Week 10</b> Tues., Oct. 31	Outlining Research Findings; Oral Research Report; Updating Research	
Wed., Nov. 1	<b>Research Report Due</b>	<b>Upload Research Report to Isidore by 9:00 a.m. on Weds., Nov. 1</b>
Thurs., Nov. 2	<b>No Class – Attend mandatory research conference</b>	
<b>Week 11</b> Tues., Nov. 7	Research Recap; Structure of Open Memo	Read assigned cases; <b>be prepared to answer questions</b>
Thurs., Nov. 9	Case Discussion	Read assigned cases; <b>be prepared to answer questions</b>
<b>Week 12</b> Tues., Nov. 14	<b>No Class – Attend mandatory draft conference</b>	<b>Draft of Discussion section must be emailed at least one hour before conference</b>
Thurs. Nov. 16	Guest Speaker – The Honorable Angelina Jackson, Montgomery County Court of Common Pleas	<b>Meet in Courtroom at noon for one-hour presentation</b>
<b>Week 13</b> Tues., Nov. 21	Open Memo Q&A	
Weds. Nov. 22	<b>Open Memo Due</b>	<b>Upload Open Memo to Isidore by 11:55 p.m. on Weds., Nov. 22</b>
Thurs. Nov. 23	<b>No Class – Thanksgiving Break</b>	
<b>Week 14</b> Tues., Nov. 28	Exam Preparation	<b>Complete Reflection #3 by 11:55 p.m. on 11/29</b>
Thurs., Nov. 30	Resumes, Cover Letters, and Writing Samples	<b>Bring your draft resume, cover letter, and writing sample with you to class</b>

**LEGAL PROFESSION II (LAW 6106) – SECTION 1**  
Professor Zink’s Spring 2024 – Course Description & Syllabus

**Please read this entire document.**  
**You are responsible for knowing the information it contains.**

Welcome to Legal Profession II, the second part of a two-semester course sequence, covering fundamental lawyering skills. In addition to the information described in this document, please review the **Legal Profession Program Policies** available on the Isidore site, as the requirements set forth in those policies also apply to this course.

**CONTACT INFORMATION**

Office: Keller Hall 413  
Phone: (937) 229-3542  
E-mail: [jzink1@udayton.edu](mailto:jzink1@udayton.edu)

**PROFESSOR ZINK’S OFFICE HOURS**

Tuesdays: 10:30 a.m. – 12:00 p.m.  
Wednesdays: 9:00 – 10:30 a.m.  
Thursdays: 1:00 – 3:00 p.m.

**Teaching Assistant’s Contact Information**

Samantha Moore [moores21@udayton.edu](mailto:moores21@udayton.edu)

**REQUIRED TEXTS**

An Advocate Persuades (2d ed. 2022) [Rocklin]  
The Bluebook (21st ed.) [BB]

*\*You are also required to use your Lexis and Westlaw student subscriptions*

**CLASS MEETINGS**

Legal Profession II meets twice a week – Tuesdays and Thursdays from 9:00 a.m. to 10:30 a.m. in Room 201. Occasionally, class will meet at different times and locations. These changes from the regular schedule are noted on the syllabus or will be announced in class or via Isidore announcements.

**COURSE OVERVIEW**

The primary goal of Legal Profession II is to refine your legal analysis, writing, and research skills and to develop your advocacy skills. To accomplish this objective, you will be asked to assume the role of advocate as you perform various tasks typical of pretrial litigation. All of the reasoning, research, and writing skills you learned in Legal Pro I will still be applicable, but you will have a different purpose (to persuade rather than to inform) and a different audience (a trial judge rather than a senior partner). We will focus on advanced research skills, persuasive writing and, ultimately, oral argument. You will also continue to develop cultural humility and competency, professionalism, and ethics.

***“In recognizing the humanity of our fellow beings,  
we pay ourselves the highest tribute.”***

- U.S. Supreme Court Justice Thurgood Marshall (1967-1991)

***“Unfortunately civility is hard to codify or legislate, but you know it  
when you see it. It’s possible to disagree without being disagreeable.”***

- U.S. Supreme Court Justice Sandra Day O’Connor (1981-2006)



## LEARNING OUTCOMES

<b>Learning Outcome</b>	<b>Performance Criteria</b>	<b>Measures</b>
<b>Research Skills</b>	Create and use a coherent and effective research plan.	<i>Research Reports</i>
	Explain and apply hierarchy and weight of authority.	<i>Motion Standard Research Reports Briefs</i>
	Recognize, locate, and make efficient use of the most fundamental research tools, both print and electronic, including statutes, cases, and various secondary sources.	<i>Motion Standard Research Reports Briefs</i>
<b>Analytical and Problem-Solving Skills</b>	Critically read cases and other materials.	<i>All Assignments</i>
	Critically read and outline statutes.	<i>Research Reports Briefs</i>
	Identify the key rules within each authority.	<i>Research Reports Briefs</i>
	Synthesize rules into a logical framework for analysis.	<i>Briefs</i>
	Create rule explanations.	<i>Briefs</i>
	Create case illustrations, explaining relevant facts, holding, and rationale.	<i>Briefs</i>
	Apply the facts of the case to the law, using analogical and rule-based reasoning.	<i>Briefs</i>
	Determine the likely outcome to a problem.	<i>Briefs</i>
	Explain both legal and factual arguments.	<i>Briefs Research Reports</i>
	Anticipate, identify, and explain counterarguments.	<i>Briefs</i>
<b>Communication Skills</b>	Use clear and concise language.	<i>All Assignments Class Participation Oral Arguments</i>
	Write legal documents.	<i>Briefs Motion Standard</i>
	Use proper grammar.	<i>All Assignments Class Participation Oral Arguments</i>
	Use professional and appropriate tone.	<i>All Assignments Class Participation Conferences Oral Arguments</i>
	Use proper citation to authority.	<i>All Assignments</i>
	Speak in a clear, concise, well-organized, and professional manner that is appropriate to the audience and circumstances.	<i>Class Participation Conferences Oral Argument</i>

<b>Learning Outcome</b>	<b>Performance Criteria</b>	<b>Measures</b>
<b>Organization Skills</b>	Use roadmap paragraphs and mini-roadmap paragraphs.	<i>Briefs</i>
	Use point headings.	<i>Briefs</i>
	Use topic/thesis sentences.	<i>Briefs</i>
	Use CRAC/CREAC structure—all components well-written and in a logical order.	<i>Briefs</i>
	Logically organize the application section around issues, not cases.	<i>Briefs</i>
<b>Cultural Humility and Competency, Professionalism, and Ethics</b>	Demonstrate self-reliance and self-learning skills.	<i>All Assignments</i>
	Operate under professional norms and recognize professional responsibilities, including time management skills, decorum to the court, and interpersonal skills with clients, courts, and colleagues.	<i>All Assignments Class Participation Reflections Oral Arguments</i>
	Increase awareness, content knowledge, cognitive sophistication, and empathic understanding of the complex ways individuals interact within systems and institutions.	<i>Briefs Class Participation Reflections</i>
<b>Knowledge and Understanding of the Law</b>	Demonstrate knowledge of the American legal system.	<i>All Assignments</i>
	Identify, describe, and interpret the fundamental terms, rules, and principles of the law related to the assignment.	<i>Motion Standard Research Reports Briefs Oral Arguments</i>

**Attendance:** Attendance is taken daily with an attendance sheet. (Draft and research conferences count as classes.) **There are no excused absences.** Barring extraordinary circumstances, you are expected to come to class prepared and participate in class meetings in a professional manner. **If you are unprepared, arrive late, or are asked to leave class, that will count as an absence.** You may miss three (3) Legal Profession II classes without penalty; after that, sanctions will be applied as follows:

<b>4 classes missed</b>	<b>Official warning letter sent</b>
<b>5 classes missed</b>	<b>Final grade reduced 10 points</b>
<b>6 classes missed</b>	<b>Student receives a failing grade in the course</b>

**Isidore:** Legal Profession II course materials will be available on the University of Dayton’s Isidore platform (<https://isidore.udayton.edu/portal>). In fact, Isidore will be used for a multitude of tasks, including, but not limited to, making announcements, posting materials, and submitting assignments. It is critical that you check your email and Isidore regularly.

**Work Expectations:** This course is a 3-credit course, which means that in addition to attending the scheduled classes, students are expected to do *at least* seven hours of Legal Pro-related work each week during the semester. This includes things like completing assigned readings, doing

homework assignments, studying for and taking quizzes, researching, drafting briefs, and completing other tasks required to earn credit in the course. Because this is a first-year course and you have yet to master critical reading and other skills, you may well need to devote significantly more than seven hours to study in a given week.

**Accommodations:** If you anticipate or experience physical or academic barriers based on a disability, you must complete the University’s Accommodation Request Process found at <https://udayton.edu/lrc/learningresources/disability/accommodations/accommodations-process.php> to obtain an accommodation. **Make certain that you identify yourself as a law student when making your request for accommodations.** I strongly recommend that you begin the process as soon as possible. It can take time to gather the needed documentation, etc. If you have secured a current Self-Identification Form from the Office of Learning Resources (“OLR”) indicating you have a disability that requires academic accommodations, please present the Self-Identification Form to me so I will be able to provide the appropriate accommodation needed in this class. If you need assistance accessing print material, including textbooks and electronic material such as PDF documents, please review the OLR website information about alternative formats under Disability Resources.

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**Assignments, Due Dates, and Percentages Allotted**

You will be asked to complete graded assignments, homework, and quizzes for this course. The assignments, their due dates, and the weight they will be given are listed below:

Assignment	Date Due	% of Final Grade
Exercises, Quizzes & Reflections	Various dates, as noted on syllabus	10%
Brief #1	Upload to Isidore by 11:55 p.m. on Saturday, February 17	30%
Research Report	Upload to Isidore by 11:55 p.m. on Tuesday, February 27	10%
Brief #2	Upload to Isidore by 11:55 p.m. on Thursday, March 28	50%
Oral Argument	As scheduled on April 15, 16 or 17	5-point deduction, if not acceptably completed
<b>TOTAL</b>		100%

**Class Exercises, Quizzes & Reflections** – *noted in red on the syllabus*

Class exercises are due periodically throughout the semester as indicated on the syllabus and must be completed individually, unless specifically instructed to complete as a group assignment. **Late exercises will not be accepted.** Unless otherwise instructed, all exercises should be submitted in typed form and turned in at the beginning of class. (If you are not able to attend class the day

the exercise is due, you may email the completed exercise to Professor Zink before your scheduled class time.) Further details regarding form and expectations will be communicated in class and on Isidore. **Please also note that unannounced quizzes and additional exercises may also be given periodically throughout the semester, and account for part of the 10% Exercises, Quizzes & Reflections component of the course.**

**Academic Dishonesty and Plagiarism:** Passing off another's words in your class assignments as your own, which includes a computer program's words, is considered impermissible collaboration or plagiarism. Please see the Legal Profession Program Policies available on the course website for further information on academic dishonesty and plagiarism.

**Required Formats:** All uploaded documents must be in Microsoft Word. Page limits or suggested page length will be provided for each assignment. Generally, all submitted work must be typed, double-spaced, on 8 1/2" x 11" white paper with one-inch margins (top/bottom and left/right). The standard acceptable fonts for this class are: Times New Roman [12 point]; Palatino Linotype [12 point]; Georgia [12 point]. Any attempt to customize fonts, spacing, etc. to get around page limits is a violation of assignment requirements and will be reported to the Honor Council. Please see the Legal Profession Program Policies available on the course web site for further information on format.

**Electronic Submissions:** You will upload your briefs to Isidore. Assignments must be submitted on time and according to the instructions provided. *Briefs are considered "turned in" when they are uploaded.* **If a brief is submitted within one hour of the due date, a one point penalty will be assessed. A point will be deducted each hour thereafter.** (Please note that this policy does not apply to exercises, quizzes, or reflections.)

Computer difficulties are rarely an acceptable excuse for a late assignment. As one court noted:

We agree that a computer malfunction is not sufficient justification for late submission of documents to the court, whether required by statute, court rule or court order. One does not need to be an expert to recognize that computers do not always work. It is not uncommon for previously accessible data to suddenly disappear. There can be any number of reasons why a computer system fails. There can be human errors inputting and accessing the data, electrical failures, power surges, and computer viruses. Not all programs are as dependable as others. Quite simply, systems fail regularly and do not always perform to their specifications. Such an occurrence is neither exceptional, unusual, nor without precedent. . . . Computer failures, not unlike human failures, must be anticipated.

*Martinelli v. Farm-Rite, Inc.*, 785 A.2d 33, 35-36 (N.J. Super. App. Div. 2001). You are expected to routinely back up your work and print out drafts as you work on assignments. If you do encounter problems uploading assignments, please contact Maribeth Mulhern ([mmulhern1@udayton.edu](mailto:mmulhern1@udayton.edu)) before the deadline and attach a copy of the memorandum to your email. To preserve anonymity, do not contact your professor.

**Legal Writing File:** Keep a paper copy of all assignments that you turn in, including drafts, and all critiqued drafts and graded papers returned to you. You should also keep a separate "legal writing" folder on your computer and keep copies of each assignment in it. These copies come in

handy if you should encounter computer problems, or later as writing samples when applying for legal jobs. You will lose access to our Isidore site after the semester. So, be sure to have your own copy of all your work.

**Syllabus:** The following syllabus is subject to change over the course of the semester to meet the needs of the class. If any changes are made, I will announce them in class in advance of any changes, as well as e-mail you and post a revised syllabus.

DATE	TOPIC	ASSIGNMENT
<b>WEEK 1</b> TUES 1/9	Introduction to Advocacy; Overview of Civil Litigation; CREAC Review; Discussion of Brief #1 Assignment	1. Review Legal Profession Program Policies 2. Read Syllabus & Course Description 3. Read Rocklin, xxi-xxii, 3-24, 369-384 <sup>1</sup> 4. Read Brief #1 Assignment Materials
THURS 1/11	Constitutional, Statutory, and Administrative Authority	1. Read assigned secondary source(s) 2. Be prepared to discuss relevant statutory law 3. Read materials on Isidore regarding administrative law and legislative history 4. <b>Complete Reflection #1 on Isidore by 11:55 p.m. on 1/17</b>
<b>WEEK 2</b> TUES 1/16	<b>NO CLASS – ADMINISTRATIVE MONDAY</b>	
THURS 1/18	Case Authority	1. Be prepared to discuss cases cited in Defendants’ Motion to Dismiss 2. Read Rocklin, 27-82 3. <b>Submit Research Report via Isidore by 11:55 p.m. on 1/22</b>
<b>WEEK 3</b> TUES 1/23	Case Authority, Continued	1. Read Rocklin, 95-123 2. Come to class prepared to discuss materials covered in your Research Report
THURS 1/25	Organizational Structure of Brief #1	1. Read Rocklin, 179-212 2. Review Brief #1 Checklist / Rubric 3. Review example brief 4. Review Fed. R. Civ. P. 12 5. <b>In class drafting of Motion, Standard of Review, Conclusion, and Certificate of Service ~ due next class</b>
<b>WEEK 4</b> TUES 1/30	The Argument Section, Including Policy Arguments & Counter-Arguments	Be prepared to discuss the organization of the argument, including policy arguments and counter-arguments
THURS 2/1	Persuasive Techniques – Themes; Point Headings; Thesis Sentences	1. Read Rocklin, 83-93, 125-159 2. Be prepared to discuss potential themes

<sup>1</sup> You may skim the examples in the Rocklin text, but should read the regular text closely.

DATE	TOPIC	ASSIGNMENT
<b>WEEK 5</b> TUES 2/6	Drafting the Introduction and Statement of Facts; Citing to Record	1. Read Rocklin, 273-302 2. <b>In class drafting of Introduction and Statement of the Case ~ due next class</b>
THURS 2/8	Bluebook Review; Citing to the Record; The Mechanics of Writing; Editing; Common Legal Writing Blunders	1. Review Bluebook, pp. 3-30, specifically Rule B17 (24-26) and Table BT1 (29-30) 2. Read Rocklin, 161-177 3. Bring Bluebook and current draft to class
<b>WEEK 6</b>	<b>Attend mandatory draft conference with Professor Zink via Zoom</b>	1. <b>Email draft of Argument section at least one-hour before scheduled conference</b> 2. Attend scheduled conference time 3. Optional TA conference also available
THURS 2/15	Brief #1 Question & Answer Session	Bring any remaining questions you may have regarding Brief #1 to class
SAT 2/17	<b>BRIEF #1 DUE</b>	<b>Upload Brief #1 by 11:55 p.m.</b>
<b>WEEK 7</b> TUES 2/20	Discussion of Brief #2 Assignment & Research Report; Standard of Review; Developing a Research Plan; Lexis Training	1. Read Brief #2 materials on Isidore 2. Read relevant Fed. Rule(s) of Civil Proc. 3. Locate court website and local rules 4. Bring your laptop to class for training
THURS 2/22	Oral Research Report Guidelines; Westlaw Training	Bring your laptop to class for training
<b>WEEK 8</b> TUES 2/27	<b>RESEARCH REPORT DUE</b>	<b>Upload Research Report by 11:55 p.m.</b>
WEDS 2/28 – FRI 3/1	<b>Attend mandatory research conference w/ Prof. Zink via Zoom</b>	1. Attend scheduled conference time 2. Be prepared to report on your findings
<b>WEEK 9</b> TUES 3/5	Organizational Structure of Brief #2	1. Review Brief #2 Checklist / Rubric 2. Bring outline of Argument Section 3. Bring your laptop to class 4. <b>Complete Reflection #2 by 11:55 p.m. 3/6</b>
THURS 3/7	The R & E Sections: Policy; Countering Rules; Effective Case Illustrations; Signals/Parentheticals	1. Review relevant sections of Rocklin and Bluebook 2. Bring your laptop to class
<b>WEEK 10</b> TUES 3/12	Statement of Facts; The A Section: Factual Argument and Counter-arguments; Rule Application; Illustration Comparisons/Distinctions	1. Review relevant sections of Rocklin 2. Bring your laptop to class
THURS 3/14	Writing Workshop; Editing and Proofreading	1. Review Rocklin, 161-177 2. Review your graded Brief #1 3. Review Brief #2 rubric/checklist

DATE	TOPIC	ASSIGNMENT
<b>WEEK 11</b> MON 3/18 – FRI 3/22	Attend draft conference with Professor Zink via Zoom	<ol style="list-style-type: none"> <li>1. Email draft of Argument section at least one-hour before scheduled conference</li> <li>2. Attend scheduled conference time</li> <li>3. Optional TA conference also available</li> </ol>
<b>WEEK 12</b> TUES 3/26	Question & Answer Session Regarding Brief #2	Bring any remaining questions you may have regarding Brief #2 to class
THURS 3/28	<b>BRIEF #2 DUE</b>	<b>Upload Brief #2 by 11:55 p.m.</b>
MON 4/1 – MON 4/8	<b>NO CLASS – SPRING BREAK</b>	
<b>WEEK 13</b> TUES 4/9	Oral Argument	<ol style="list-style-type: none"> <li>1. Read Rocklin, 303-351, 361-365</li> <li>2. Watch example oral argument</li> <li>3. At the beginning of class, hand in one easy question and one difficult question that you think you might be asked during oral argument</li> <li>4. Be prepared to start practicing your oral argument skills in class</li> </ol>
THURS 4/11	Practice Oral Arguments	<ol style="list-style-type: none"> <li>1. Create your folder for use in oral argument</li> <li>2. Participate in oral argument practice</li> <li>3. Complete Reflection #3 by 11:55 p.m. on 4/12</li> </ol>
<b>WEEK 15</b> MON 4/15 – WEDS 4/17	Oral Argument Rounds	Arrive 10-minutes before your scheduled oral argument time; dress professionally; come prepared to deliver your argument