

Lawyering Skills I
LAW 402 (3 credit hours), CRN 44578
Professor David E. Sorkin
Fall 2020

SYLLABUS

Overview

This course provides an introduction to objective legal analysis. You will learn precedential, rule-based, policy-based, and factual reasoning, and will learn to perform basic legal research using case law, statutes, and other materials.

You will learn and apply the skills of legal analysis, research, and writing by preparing a series of objective legal memoranda and other exercises. The first legal memorandum is a closed-universe assignment, to be completed using a packet of research material that will be provided to you. For the remaining memorandum assignments, you will complete the necessary research on your own. You will also be required to complete several supplemental exercises, focusing primarily on legal research and citation.

This class is scheduled to be taught in a blended format, with on-campus meetings on Tuesdays from 12:30 to 2:00 pm. (Fully online students will access a recording of the on-campus meeting and then participate in a short synchronous session each Wednesday at 1:00 pm.) The balance of the instruction will take place online, asynchronously and in synchronous sessions on Thursdays between 3:15 and 4:45 pm. This plan is subject to change, and the entire class may have to pivot to online at any time.

Instructor

David E. Sorkin, Associate Professor of Law and Associate Dean for
Academic Programs
Office: C-924 (CBA Building, 321 S. Plymouth Ct., room 924)
(note that faculty offices are not accessible by students this semester)
Telephone: (312) 987-2387 (generally voicemail only this semester)
Email: dsorkin@uic.edu
Office hours (online): Mon. & Wed. 1:30–3:00 pm, and by appointment
(I expect to use Zoom for office hours. Please make arrangements with me
by email if you wish to meet during office hours or at another time.)

Textbooks

Required texts: There are three required textbooks for the course.

- Helene S. Shapo et al., *Writing and Analysis in the Law* (7th ed. 2018) (Foundation Press, ISBN 978-1-68328-237-2, list \$139 (softbound) or ISBN 978-0-314-27598-1, list \$104.25 (eBook))
- Beau Steenken & Tina M. Brooks, *Sources of American Law: An Introduction to American Legal Research* (4th ed. 2019) (Center for Computer-Assisted Legal Instruction, free download from cali.org)
- *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 21st ed. 2020 (Harvard Law Review Ass'n, ISBN 978-0-578-66615-0, list \$45 (wire-bound); online version available by subscription at legalbluebook.com)

You may want to wait until the semester begins to purchase *The Bluebook*. You will not need it for the first few weeks of class.

Learning Outcomes

The attorney's primary role is to advise clients regarding the law. To perform this fundamental role, attorneys must be able to efficiently find and research the law and apply that law to given factual circumstances. Equally important, attorneys must be able to effectively communicate their legal conclusions to other attorneys, to the court, and to their clients. This course will help you develop the precision, clarity, and organizational skills that you will need to be a good legal writer.

You will learn how to find the law, including judicial opinions (cases), statutes, and secondary authorities. You will become familiar with both print and electronic research sources. You will also learn and apply a variety of different modes of legal reasoning, including reasoning by analogy, rule-based reasoning, and policy-based reasoning. By the end of the course, you will be able to research a variety of domestic legal issues, analyze and synthesize legal authorities, apply your research to a client's fact pattern, and communicate your analysis and predictions to other lawyers.

Course Requirements and Policies

1. Attendance and Expected Workload

Regular and punctual attendance and preparation for each class meeting is required and expected. Students will be held responsible for all material covered in class and all announcements made during class. Students who have made arrangements with the Law School to be fully online for part or all of the semester will be required to access a recording of each on-campus session and then participate in a supplemental synchronous online session in lieu of physical attendance.

Attendance will be recorded on a weekly basis, and will normally be determined based upon whether a student was present for the entire on-campus class meeting or online alternative. The maximum number of absences is three. Consult the Law School's attendance policies for additional information.

Students are also required to participate in synchronous meetings and asynchronous online activities throughout the semester, including at least one individual tutorial conference with the instructor. The tutorial conferences are intended to provide individualized feedback on writing assignments, supplementing the written feedback; to give students an opportunity to receive help with specific writing and analytical problems; and to help students improve their performance on future assignments.

Synchronous meetings will be conducted using Zoom, via a link in Blackboard. In order to minimize background noise, you should keep your microphone muted except when speaking. To be counted as present, you are expected to share your webcam video throughout these sessions unless you make other arrangements with the instructor. If you use a virtual background, please choose one that is not likely to be distracting. You may not record or take screenshots of synchronous class meetings. Consult the Law School's policies on online course privacy and class recordings for further information.

Under ABA Standard 310, each credit hour corresponds to approximately one hour of classroom or direct faculty instruction (synchronous and asynchronous) and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different time period.

2. Assignments

The course grade will be determined based upon three written memorandum assignments and a draft of the first assignment, weighted as follows:

Draft of first memo: 10 points
Memo assignment 1: 20 points
Memo assignment 2: 30 points
Memo assignment 3: 40 points

The class is not subject to a grading curve, and the range of points that will correspond to each letter grade is not predetermined. However, it is likely that a student who earns at least 90% of the available points will receive a grade in the A range, 75% to 90% for the B range, and 60% to 75% for the C range.

Several ungraded assignments must also be completed, including a series of research and citation exercises. Failure to complete these assignments may result in a deduction of up to 20 points.

Assignments are to be submitted online through Blackboard. Memorandum assignments should be in Microsoft Word format.

3. Late Policy

Each memorandum assignment must be submitted promptly by the due date, subject to the grace period described below. Extensions may be granted for good cause at the instructor's discretion. Any request for an extension of time on a graded assignment must be supported by valid reasons and should be submitted as early as possible, accompanied by a copy of your work in progress (to demonstrate that you were not already far behind when the circumstances warranting the requested extension arose) and any other relevant documentation. The request should also include the amount of additional time that you are requesting; a request for an extension of more than 48 hours will normally be considered only in truly extraordinary circumstances. Procrastination or failure to back up your work are not valid reasons for an extension.

Late assignments will be penalized by a deduction of 10% of the total available points for each 24 hours or portion thereof that a paper is late. The penalty will be waived for papers that are submitted within 24 hours of the due date. I will not respond to questions about a graded assignment during this 24-hour grace period. (This grace period and waiver provision applies only to the original due date for an assignment; it does not apply to an extended due date.)

You should try to submit the supplemental (ungraded) exercises by the listed due dates, but they may be submitted without penalty as late as the last day of regular classes.

4. Collaboration

On research and citation exercises, you may discuss the exercises with other students and work together in completing them, but you may not divide the problems among members of a group and then copy the answers.

On the memorandum assignments, you may discuss research strategies, legal concepts, problems, and potential arguments with other students in the class at any time, but you may not share your written work or collaborate in the writing process. You may also seek assistance from the instructor, Law Library staff, and the Legal Writing Resource Center. You are encouraged to discuss the memorandum assignments with other people and seek their feedback on your writing, but you may do so only after you have submitted the assignment.

5. Academic Integrity

As an academic community, UIC is committed to providing an environment in which research, learning, and scholarship can flourish and in which all endeavors are guided by academic and professional integrity. All members of the campus community—students, staff, faculty, and administrators—share the responsibility of insuring that these standards are upheld so that such an environment exists. Instances of academic misconduct by students are governed by law school policies on academic integrity and professional misconduct as well as by the UIC Student Disciplinary Policy. Additional information may be found at <https://jmls.uic.edu/policy/>.

6. Disability Accommodations

The University of Illinois at Chicago is committed to maintaining a barrier-free environment so that individuals with disabilities can fully access programs, courses, services, and activities at UIC. Students with disabilities who require accommodations for full access and participation in UIC programs must be registered with the Disability Resource Center (DRC), <https://drc.uic.edu/>. Please contact DRC at (312) 413-2183 (voice) or (312) 413-0123 (TDD).

7. Other Policies

The law school's policies on attendance, class recordings, grading, academic grievances, and other matters may be found at <https://jmls.uic.edu/policy/>.

Semester Schedule

- Aug. 25 Read chapters 1 and 2 in *Writing and Analysis in the Law*.
- Sept. 1 Read chapters 4 through 10 and appendix A in *Writing and Analysis in the Law*.
Read pages 1–3 and the inside back cover of *The Bluebook: A Uniform System of Citation*.
Complete online activities on Blackboard.
- Sept. 8 **A complete draft of Memorandum Assignment 1 is due at 9:00 am on Sept. 7 (grace period ends Sept. 8, 9:00 am).**
Read chapters 1 and 2 in *Sources of American Law*.
Read Bluepages Rules B1–B10 (pp. 3–18) in *The Bluebook*.
- Sept. 15 Read chapter 8 in *Sources of American Law*.
Tutorial conferences on the first memorandum assignment.
- Sept. 22 Exercise 1 is due on Sept. 22.
Read chapter 9 in *Sources of American Law*.
Tutorial conferences on the first memorandum assignment.
- Sept. 29 **Memorandum Assignment 1 is due at 9:00 am on Sept. 28 (grace period ends Sept. 29, 9:00 am).**
- Oct. 6 Exercise 2 is due on Oct. 6.
Read chapter 4 in *Sources of American Law*.
Note: Class will meet online instead of on campus on Oct. 6.
Online legal research sessions begin (schedule to be announced).
- Oct. 13 Exercise 3 is due on Oct. 13.
Read chapter 3 in *Writing and Analysis in the Law*.
Read chapter 3 in *Sources of American Law*.
- Oct. 20 **Memorandum Assignment 2 is due at 9:00 am on Oct. 19 (grace period ends Oct. 20, 9:00 am).**

- Oct. 27 Exercise 4 is due on Oct. 27.
Read chapter 11 in *Writing and Analysis in the Law*.
- Nov. 3 Class will not meet on Nov. 3 (Election Day).
- Nov. 10 Exercise 5 is due on Nov. 10.
- Nov. 17 Exercise 6 is due on Nov. 17.
**Memorandum Assignment 3 is due at 9:00 am on Nov. 19
(grace period ends Nov. 20, 9:00 am).**