

FIRST-YEAR LEGAL ANALYSIS, WRITING, & RESEARCH GUIDELINES
[Approved by the faculty on May 11, 2006]

I. Overview of the Program

The Legal Analysis, Writing and Research Program (“LAWR”) at the College of Law is a two-semester first-year course, two credits each semester, designed to equip students with effective skills in legal analysis, writing and research.

Analysis – The program develops the students’ skills at legal analysis throughout the year in connection with every assignment. Analytical skills include the spotting of legal issues in a fact pattern, the identification of legally relevant facts, the synthesis of legal rules, principles, policies and purposes found in the legal materials (*e.g.*, precedents and statutes), and the understanding and formation of legal arguments of different kinds. (All courses in the law college are involved in teaching legal analysis.)

Written & Oral Communication – The program also develops the students’ skills at legal writing and oral advocacy. Legal writing centers on the effective communication of the legal analysis of a practical problem, whether the purpose is to predict what a court or other decision-maker will do, to persuade some one to agree with one’s conclusions, or to decide a case and explain one’s decision. Oral advocacy skills center on using legal analysis to persuade someone, such as a judge, to reach a particular conclusion.

Research – Legal research supports legal analysis primarily by identifying the legal materials, especially legal authorities, that form the basis of effective legal arguments and legal conclusions.

II. Program Goals

Students are expected to achieve the following objectives during the first-year LAWR course:

- acquire the fundamentals of legal reasoning and analysis, including case analysis, fact analysis, application of law to facts, case synthesis, and analogizing and distinguishing cases;
- learn how to identify a legal problem and resolve it, as well as how to determine which facts in a fact pattern are legally significant;
- learn how to generate arguments and counter-arguments;
- develop and employ basic research skills within a limited universe of research tools in order to locate cases and statutes from citations, to find cases on a given subject, to determine the present status of a case, and to exercise judgment in selecting the most appropriate cases from a larger pool of cases (first semester);
- develop and employ a full range of research skills through assignments that place no limitations on the type of research necessary for their completion (second semester);
- develop the ability to write legal documents, including objective memoranda and

- persuasive briefs, that are clear, concise, analytically sound, and well organized;
- become familiar with how to cite properly legal authorities, and learn the appropriate style, tone, and diction for legal writing depending on one’s audience;
- write an appellate brief;
- learn argumentative and persuasive legal writing; and
- craft and present a persuasive oral argument.

III. Required Writing in LAWR Courses

1. Writing Assignments –

A. Fall – In the Fall LAWR course, student writing assignments shall total between 28 to 33 pages (including the rewrites), and shall include the following assignments:

- (1) an objective writing on a factual problem requiring close legal analysis that requires students to locate cases in the library using known citations;
- (2) an objective writing on a factual problem requiring close legal analysis that requires students to identify appropriate cases from a “closed universe” of cases;
- (3) two rewrites; and
- (4) Other writing assignments in the form of short exercises to hone student writing at the sentence level and to introduce students to various documents. Examples of these types of assignments include plain-language revision of judicial opinions, case holdings, case briefs, case syntheses, draft contracts, and client letters.

B. Spring – In the Spring LAWR course, student writing assignments shall total between 30 and 40 pages (including the rewrites), and shall include the following assignments:

- (1) two writings on a factual problem requiring close legal analysis, one of which must be a persuasive writing; and
- (2) two rewrites.

All assigned writings in the spring semester shall require the students to engage in independent research. At least one assignment shall involve more than one legal issue, and at least one assignment shall include close textual analysis of a statute or regulation.

One of the writings shall be in the form of an appellate brief that forms the basis of the required appellate oral argument (described in section IV, below).

C. Additional Rewrites – LAWR faculty members are strongly encouraged to identify those students who have writing difficulties and to work with them individually to address those concerns. To that end, LAWR faculty may require individual students to do additional rewrites which shall not count in the total page requirements stated in sections III.1.A. and III.1.B.

2. Feedback and Grades

A. Feedback – Regular feedback is essential to help students become effective legal writers. Thus, with regard to writing assignments other than those described in section III.A.4, LAWR faculty shall provide individual feedback for each student on each writing assignment. This individualized feedback may be delivered in a variety of formats, including written comments, conferences, and recorded audio comments. With regard to writing assignments described in section III.A.4, the manner and mode of feedback shall be in the LAWR faculty’s discretion. The feedback shall be designed to let the student know whether and how his or her performance met or did not meet the pedagogical objectives of the exercise. In addition, LAWR faculty shall hold individual conferences with each student at least once during each semester and as needed beyond that.

B. Grades – The median grade in the LAWR course shall be between 3.2 and 3.4, with the following mandatory distribution:

3.6-4.3	A+/A/A-	15-35%
3.3-3.5	B+	20-30%
3.0-3.2	B	20-30%
2.9 and below	B-/C+/C/D/F	15-35%

The Dean of the College of Law may approve deviations from the curve based upon a showing of good cause.

IV. **Required Appellate Oral Argument in the Spring LAWR Course**

In the Spring LAWR course, each student shall make an oral presentation in the form of an appellate oral argument. The oral argument may be made during a regularly or specially scheduled time period, and it may be graded or not at the discretion of the LAWR faculty.

V. **In-class Instruction**

LAWR classes meet for up to two hours each week. LAWR faculty shall use in-class time to help students develop their analytical, writing and research skills by means of selected readings, exercises, and writing workshops. Course readings and writing exercises may

come from required textbooks, selected by the LAWR faculty, or from material assembled by the LAWR faculty. The library staff shall join LAWR faculty in designing and implementing in-class research modules to give students experience in the use of both print and electronic research materials.

VI. Guidelines for Small-Section Faculty

1. Fall – In the Fall small-section faculty are responsible for the following assignments:

(1) A practice essay examination question with individualized written or oral feedback and

(2) An oral exercise that requires students to explain legal concepts in “plain English” (e.g., in a simulated client-counseling session).

Both of these assignments shall be evaluated on a pass/fail basis by the small-section faculty members.

2. Spring – In the Spring small-section courses, faculty are responsible for designing and conducting an oral exercise that is aimed at developing skills in one or more of the following areas: (a) factual investigation; (b) counseling; (c) negotiation; (d) oral advocacy; or (e) other fundamental lawyering skills. The small-section faculty members shall evaluate the oral exercise on a pass/fail basis.

3. Organizational meeting – Early in each semester (or in advance of the semester if feasible), the Program Coordinator shall call a meeting of all faculty teaching small-section courses, inviting others involved in the first curriculum as appropriate, for the purpose of sharing their several plans for carrying out their responsibilities under these Guidelines.

4. Workload – Small-section faculty should assume that the burden of writing in the LAWR courses will preclude long or frequent or time-consuming writing assignments in the small-section courses. Small-section faculty shall have the responsibility to schedule any writing assignments and practice examinations, so that they do not conflict with writing assignments in the LAWR courses.

VII. General

1. Coordination – Prior to the beginning of the semester, and as necessary throughout the semester, LAWR faculty shall coordinate with each other and with the Program Coordinator with regard to the design of research and writing assignments. LAWR faculty also coordinate with members of the library staff to arrange instruction for students in legal research. Finally, LAWR faculty may find it useful to consult with

small-section faculty in designing writing assignments.

2. Parity – While each LAWR faculty member has considerable flexibility in designing specific writing assignments for students in his or her course, it is necessary to ensure that there is general uniformity from one LAWR course to the next, both in terms of what we expect students to learn and the demands made on their time. Toward this end, LAWR faculty shall structure the substantive content of their courses so as to accomplish the goals listed above in section II and satisfy the required writing assignments outlined above in section III.

3. Scheduling of Writing Assignments – Writing assignments shall be scheduled so that students submit the last paper at least two weeks before the last day of classes for the semester. Papers shall be returned to students within three weeks of being handed in to the faculty member.

4. Texts – Each LAWR faculty member shall decide what text or texts he or she wishes to use in the course. However, to the extent possible, LAWR faculty are encouraged to use the same text or texts where it makes sense to do so.

5. Notice – At the beginning of the semester, each LAWR faculty member shall provide his or her students with a statement in writing referring to the First-Year Legal Analysis, Writing, & Research Guidelines in the Student Handbook and describing the schedule of student assignments, the basis of the final grade in the course, and whether writing assignments shall be graded anonymously.

6. Exceptions – For good cause, the Program Coordinator may approve exceptions to these Guidelines.