English 3405: Special Topics in Professional Communication

Law School Writing: An introduction to the genre of legal writing and reasoning
Autumn 2013  TR 11:10-12:30  345 Drinko Hall

Instructor: Bob Eckhart (.5)
Office: 0066 Arps Hall
Office hours: TR 1230-130, 345 Drinko Hall

Selected readings and cases (online)

Course description: For those of you studying professional writing, it would be helpful to introduce you to one of the most reasoning-based genres of writing: legal writing. This course will use a variety of texts—narrative (print and video), legal scholarship, and case decisions—to make that introduction. The beginning of the course will be focused on reasoning and analysis including the IRAC [issue, rule, analysis, conclusion] model, with short written assignments; however, the bulk of the course will be focused on a law review article you will write on a topic of your choosing.

Grade breakdown: Super Size Me Complaint 15% Law review summary 15%
Memo Assignment 20% Law review article 30%
Attendance/Participation 5% First draft l.r.a. 5%
Footnotes 10%

Assignments: Super Size Me Complaint—we will watch Super Size Me and read the opinion of Justice Sweet which dismissed the legal case against McDonald’s and then synthesize arguments from the movie with the judge’s reasoning to re-draft his complaint.

Memo assignment—one of the important writing tasks for law students and lawyers is drafting a legal memo. I will give you a fact pattern and a couple cases and you will analyze the legal issues and draft a memo explaining them. (500 words)

Law review article summary—in order to prepare you to write your own law review article, we will closely examine one written by an OSU law school faculty member….analyzing its structure, language, style, and reference system. (500 words)

The final research paper will be no less than 3000 words and is graded on your ability to write from sources (synthesizing them into your argument, as well as paraphrasing/quoting from them).
Grading scale:

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<td>93-100%</td>
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Course Policies

**Attendance** is important to the success of this class and to your development as a writer. Therefore, each unexcused absence after two will result in the lowering of your final grade by a third of a grade. Excused absences, such as those for documented illness, family tragedy, religious observance, or travel for inter-collegiate athletics, will not affect your grade. It is **department policy that five unexcused absences will automatically result in failure for the course.**

**Tardiness** is disruptive to the classroom environment, and prevents you from fully participating and assimilating the information and materials discussed in class. Excessive tardiness will lower your participation grade.

**Plagiarism** "It is the responsibility of the Committee on Academic Misconduct to investigate or establish procedures for the investigation of all reported cases of student academic misconduct. The term "academic misconduct" includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations. Instructors shall report all instances of alleged academic misconduct to the committee (Faculty Rule 3335-5-487). For additional information, see the Code of Student Conduct."

**Student Work** must be completed and submitted on time. All assignments should be turned in during the class period when they are due.

1. **Draft assignments:** Turning your draft assignment late will mean that you cannot receive a timely or full response from the instructor, so turn in your drafts on time. Failure to turn in an assignment draft at all will result in the deduction of **one-third of a letter grade** on the final version of the paper (for example, B+ to B). Further, if the assignment draft was part of a peer group exercise, failure to turn in the draft will lower your participation grade.
2. **Final graded assignments:** Late submission of a final graded assignment will result in the deduction of **one full letter grade** for each day past the due date (for example, B+ to C+).

The grade will not be affected when a draft or final graded assignment is late for reasons that would result in an excused absence. Students who know they will miss the class when the assignment is due must contact the instructor as soon as possible in advance of class to arrange for submission of the assignment.

Please pick up all late-quarter work as soon as possible. Materials will be held until the end of the second quarter subsequent to the quarter in which you take English 294.
**Class Cancellation Policy:** In the unlikely event due to emergency, I will contact you via email and request that a note on department letterhead be placed on the door. In addition, I will contact you as soon as possible following the cancellation to let you know what will be expected of you for our next class meeting.

**Resources**

The **OSU Writing Center** is available to provide free, professional writing tutoring and consultation. You may set up an appointment by calling 688-4291 or by dropping by the center at 475 Mendenhall Laboratories. If you are interested in on-line writing advice, visit the OWL (On-Line Writing Lab) at [www.cstw.osu.edu](http://www.cstw.osu.edu).

**The Office for Disability Services,** located in 150 Pomerene Hall offers services for students with documented disabilities. Contact the ODS at 2-3307.
Weekly Schedule

Week 1  
Start Unit I, Introduction to Legal Reasoning  
Introduction to course  
Introduction to IRAC/CRExAC system of legal writing and reasoning

Week 2  
How to brief a case  
Reading: criminal law case  
Brief of criminal law case due  
Berman/Criminal law Socratic class  
Reading: Constitutional law case  
Brief of constitutional law case due  
Goldberger/Constitutional law Socratic class

Week 3  
Watch Super Size Me  
First draft Super Size Me paper

Week 4  
Reading: contracts law case  
Brief of contracts law case due  
Contracts law Socratic class  
Peer review workshop  
Final draft Super Size Me paper

Week 5  
Start Unit II, Memo Assignment  
Distribute fact pattern and cases  
Discuss issue spotting  
First draft of memo due

Week 6  
How to revise legal writing  
Final draft legal memo due

Week 7  
Start Unit III, How to write a law review article  
Part 1, Volokh  
What is a law review article and who is the audience?  

Week 8  
First draft law review article analysis due  
More on the genre of law review articles
Week 9
Part 2, Volokh
Final draft law review article analysis due
Class visit—staff of student law journal

Week 10
Part 3, Volokh
How to do legal research
Class visit—law librarian

Week 11
Part 5, Volokh
Introduction to the Bluebook
How to do legal footnotes
Reading: J.M. Balkin & Sanford Levinson, How to Win Cites and Influence People, 71 CHI.-KENT L. REV. 843 (1996)

Week 12
Part 7, Volokh
How to publish a law review article
Where to publish a law review article

Week 13
Choosing a publishable topic for your law review article
Reading: Arthur Austin, The Top Ten Politically Correct Law Review Articles, 27 FLA. ST. U. L. REV. 233 (1999),
First draft law review article

Week 14
Peer review of law review articles
One-on-one conferences

Week 15
Final draft law review article due
Poster presentations
Closing remarks/Course Evaluation

This syllabus is tentative and subject to change.