



Advanced Writing for Pre-Law Students

Spring 2019 Syllabus

WRIT 340 ▪ Antonio Elefano

Introduction

The first time I taught this course, I reached out to my former Legal Writing instructor, Rob Harrison, the longtime Lecturer in Legal Method at Yale Law. I asked him what skills students should sharpen before entering law school. This was his reply:

1. How to write clear and concise sentences
2. How to dissect a case
3. How to use logic alone to predict how a court would resolve a legal issue where precedents conflict
4. How to make an effective oral presentation

WRIT 340 (Pre-Law) is an advanced writing course designed to help you develop your critical reasoning and to attain and/or sharpen the skills enumerated above. This course is taught as a first-year law school writing course would be, with an emphasis on practical legal writing. Pursuant to our goals this semester, you will read and analyze case law and statutes. Writing assignments will be tailored toward a specific audience and purpose. Learning how to recognize and how to adapt to shifting levels of discourse will be key to succeeding in the course.

While there will be very little if any outside research required, legal writing is notoriously difficult to understand. Whenever you write, the temptation will be to simply copy and paste large sections of text, even when you don't fully appreciate the intricacies of what you're quoting. Resist this urge. Law, in the end, is simply language, and as complicated as that language can be at times, it is worth your patience and your thoughtful deliberation. Just as with any genre, if you cannot read closely and accurately, you cannot write effectively. Regardless of whatever knowledge of the law you have prior to entering this class (none is assumed or required), the course will be difficult and the issues presented and problems posed are designed to obviate easy answers.

Attendance and Participation

You are allowed two excused absences throughout the semester. Absences are only **excused if you e-mail me ahead of time to let me know you will not be in class.** You don't have to provide an excuse or supporting documentation (no doctor's notes required); all I demand is notice. (Note: missing a conference is the same as missing class and also requires advance notice.)

Every unexcused absence—meaning every absence in which you fail to provide notice and/or any absence beyond the excused two—will result in a grade penalty on the Daily Work portion of your final grade. Students with more than eight absences in a given semester will be advised to withdraw to avoid a failing mark.

If you miss a class, you are responsible for finding out what work you missed from one of your classmates (though this syllabus will also be instructive). Also, you are responsible for any assignments due on a day you don't attend; accordingly, you must either give your assignments to another student or send them to me via e-mail.

Course Details:

Section 65185
TR 11 a.m.-12:30 p.m.
(GFS 222)
Section 65240
TR 12:30-1:50 p.m.
(GFS 221)

Professor:

Antonio Elefano
elefano@usc.edu
Office: JEF 235
Phone: 213-740-4945

Office Hours:

TR 2-3 p.m. and by
appointment

Required Texts & Supplies:

- Professor Elefano's WRIT 340 Legal Writing Course Reader (CR), available at the USC Bookstore
- Assigned readings, distributed in class and/or posted on Blackboard (Bb)

Evaluation

Your final semester mark will be determined as follows:

Important Dates:

Mon., Mar. 11-

Fri. Mar. 15:

Spring Break

Fri., April 5:

Last Day to Withdraw

Thurs., April 25:

Last day of class/

Final Portfolios due

- 15% **Daily Work** – includes ancillary writing, class participation, quizzes and homework
- 8% **Assignment 1** – 2-3 page personal statement OR 4-5 page opinion-editorial
- 12% **Assignment 2** – 4-6 page advice letter to a client
- 15% **Assignment 3** – 6-10 page memorandum of law to a supervising partner
- 20% **Assignment 4** – 7-11 page memorandum of law to a supervising partner
- 10% **Oral Argument** – stemming from the argument used in Assignment 4
- 20% **Final Portfolio** – includes a title page, a substantially revised memorandum of law (Assignment 3 or 4), a substantially revised assignment intended for a lay audience (Assignment 1 or 2) and a 1-2 page Reflection on Revision, discussing your editing process.



Late Papers and Extensions

Writing assignments are due on Blackboard at midnight the night before submitting the hard copy in class. Only under dire circumstances (the LSAT doesn't qualify) will late work be accepted. Late papers will be penalized one full letter grade (e.g., A to B) for each **calendar day** they are late. Once you've reached three calendar days past the due date, the paper will not be accepted at all. All papers must be submitted both in hard copy and in electronic form via Blackboard. Failure to submit in both formats by the midnight and class time deadlines will result in a one-step (e.g., B+ to B) grade penalty.

Conferences

On 3-4 occasions throughout the semester we will meet in conferences in lieu of our regular class period. Some of these conferences will be scheduled as individual meetings with me, while others may be organized as small group sessions. During conference weeks my regular office hours will be canceled.

Classroom Etiquette

Laptops, phones and mobile devices should be shut off during class and during individual and group conferences. The only exception to this rule is on the last day of class, when you are required to bring a laptop to fill out the course evaluation.

Syllabus

Class	Topic	Assignment for next class
1 Tues. Jan. 8	Understanding Statutes <ul style="list-style-type: none"> • Bullying Policy Advice for Dillon Independent Schools • Introduction to Course • Discuss Assignment 1: a personal statement for graduate school or job of your choosing <u>OR</u> an opinion-editorial regarding a legal issue 	<ul style="list-style-type: none"> • Read CR: <i>In the Matter of Ray Rice</i> • Read CR: Longman's "Upon Further Review, by Judge, a Botched Playoff Ruling Stands" • Read CR: Kerr's "How to Read a Legal Opinion" • Begin work on Assignment 1

Class	Topic	Assignment for next class
2 Thurs. Jan. 10	The Facts and the Force of Law <ul style="list-style-type: none"> Discuss the Force of Law and the legal system Discuss Fact-Finding in <i>In the Matter of Ray Rice</i> Discuss the Limits of the Law in OK football case Discuss how to read a legal opinion 	<ul style="list-style-type: none"> Read CR and brief: <i>DeShaney v. Winnebago County</i>. Bring 1 copy of brief to class. Read CR: <i>DeShaney</i> Oral Argument Complete Assignment 1. Submit on Bb by <u>Mon., Jan. 14 at 11:59 p.m.</u> and bring 1 hard copy to class on Tues., Jan. 15.
3 Tues. Jan. 15	The Role of Courts <ul style="list-style-type: none"> Submit Assignment 1 Discuss the Role of Courts in <i>DeShaney</i> Discuss <i>DeShaney</i> briefs 	<ul style="list-style-type: none"> Read CR and brief: <i>Doe v. Covington County School District</i>. Bring 1 hard copy of brief to class. Read CR: <i>Estate of Asher Brown v. Cypress Fairbanks Independent School District</i>
4 Thurs. Jan. 17	Following Precedent <ul style="list-style-type: none"> Discuss role of precedent in <i>Covington County</i> Submit <i>Covington County</i> brief Discuss resistance of precedent in <i>Estate of Asher Brown</i> 	<ul style="list-style-type: none"> Read Assignment 2: Religious Liberty for California Prisoner Rusty Doucet Prepare fact questions for Rusty Doucet Read CR: <i>In re Margarito Jesus Garcia</i>
5 Tues. Jan. 22	Assignment 2: Religious Liberty Advice Letter <ul style="list-style-type: none"> Discuss <i>Garcia</i> as it relates to Assignment 2 Fact interview with Rusty Doucet Discuss General Writing Advice 	<ul style="list-style-type: none"> Outline and begin drafting Assignment 2
6 Thurs. Jan. 24	A2: Q&A <ul style="list-style-type: none"> Discuss issues with A2 	<ul style="list-style-type: none"> Complete draft of A2
7 Tues. Jan. 29	Conferences <ul style="list-style-type: none"> Regular class is cancelled Instead, you must attend one 15-minute conference to discuss your progress on Assignment 2 	<ul style="list-style-type: none"> Complete Assignment 2. Submit on Bb by <u>Wed., Jan. 30 at 11:59 p.m.</u> and bring 1 hard copy to class on Thurs., Jan. 31. Read Assignment 3: Bullying and Detention Counseling in the Port Harmon Independent School District

Class	Topic	Assignment for next class
8 Thurs. Jan. 31	Assignment 3: Bullying and Detention Counseling Mishap <ul style="list-style-type: none"> • Submit Assignment 2 • Discuss facts and issues in Assignment 3 • Discuss Memo-Writing Advice 	<ul style="list-style-type: none"> • Reread cases specified in Assignment 3 • Begin outlining arguments for Assignment 3 based on relevant case law
9 Tues. Feb. 5	A3: Substantive Due Process <ul style="list-style-type: none"> • Discuss relative merits of the parties' "special relationship" and "state-created danger" claims 	<ul style="list-style-type: none"> • Outline Assignment 3 • Prepare for Oral Arguments
10 Thurs. Feb. 7	A3: Oral Arguments <ul style="list-style-type: none"> • Special Relationship arguments • Questions regarding A3 	<ul style="list-style-type: none"> • Begin drafting Assignment 3
11 Tues. Feb. 12	A3: Oral Arguments <ul style="list-style-type: none"> • State-Created Danger arguments • Questions regarding A3 	<ul style="list-style-type: none"> • Continue drafting Assignment 3
12 Thurs. Feb. 14	Group Conferences <ul style="list-style-type: none"> • Regular class is cancelled • Instead, you must attend one 20-minute conference to discuss your progress on Assignment 3 	<ul style="list-style-type: none"> • Complete rough draft of Assignment 3. Bring 1 hard copy to class.
13 Tues. Feb. 19	Peer Review/Introduction to Workshopping <ul style="list-style-type: none"> • Peer Review of Assignment 3 • Discuss workshopping and expectations for peer critiques 	<ul style="list-style-type: none"> • Complete Assignment 3. Submit on Bb by <u>Wed., Feb. 20 at 11:59 p.m.</u> and bring ___ hard copies to class on Thurs., Feb. 21. • Read Assignment 4: Former Porn Star/Film Teacher of Morning Glory High
14 Thurs. Feb. 21	A Window into Law School <ul style="list-style-type: none"> • Submit and distribute A3 • Presentation from Robert Mena, Associate Dean of Student Affairs at Southwestern Law 	<ul style="list-style-type: none"> • Prepare peer critiques for next workshop's designated memos. Bring 2 hard copies of each critique.
15 Tues. Feb. 26	Workshop Group A <ul style="list-style-type: none"> • Submit peer critiques for designated memos • Workshop designated memos 	<ul style="list-style-type: none"> • Prepare peer critiques for next workshop's designated memos. Bring 2 hard copies of each critique.
16 Thurs. Feb. 28	Workshop Group B <ul style="list-style-type: none"> • Submit peer critiques for designated memos • Workshop designated memos 	<ul style="list-style-type: none"> • Prepare peer critiques for next workshop's designated memos. Bring 2 hard copies of each critique.

Class	Topic	Assignment for next class
17 Tues. Mar. 5	Workshop Group A <ul style="list-style-type: none"> Submit peer critiques for designated memos Workshop designated memos 	<ul style="list-style-type: none"> Review Assignment 4 Read CR: <i>Tinker v. Des Moines</i> Read CR: <i>Tinker Oral Argument</i> Read CR: <i>Bethel School Dist. No. 403 v. Fraser</i> Read CR: <i>Wisniewski v. Board of Education</i>
18 Thurs. Mar. 7	Workshop Group B <ul style="list-style-type: none"> Submit peer critiques for designated memos Workshop designated memos 	<ul style="list-style-type: none"> Review Assignment 4 Read CR: <i>Tinker v. Des Moines</i> Read CR: <i>Tinker Oral Argument</i> Read CR: <i>Bethel School Dist. No. 403 v. Fraser</i> Read CR: <i>Wisniewski v. Board of Education</i>
Spring Break: Mon., Mar. 11-Fri. Mar. 15		
19 Tues. Mar. 19	Revisiting Assignment 4 <ul style="list-style-type: none"> Discuss effect of <i>Tinker</i>, <i>Bethel</i> and <i>Wisniewski</i> on Assignment 4 	<ul style="list-style-type: none"> Read CR: <i>Laysbuck v. Hermitage School District</i> Read CR: <i>J.S. v. Blue Mountain School Dist.</i> Read CR: <i>B.H. v. Easton Area School Dist.</i>
20 Thurs. Mar. 21	A4: Binding Versus Persuasive Authority <ul style="list-style-type: none"> Discuss effect of <i>Laysbuck</i>, <i>J.S.</i> and <i>B.H.</i> on Assignment 4 	<ul style="list-style-type: none"> Outline and begin crafting Assignment 4
21 Tues. Mar. 26	Optional Group Conferences <ul style="list-style-type: none"> Regular class is cancelled Instead, you may attend one 20-minute conference to discuss your progress on Assignment 4 	<ul style="list-style-type: none"> Complete Assignment 4. Submit on Bb by <u>Wed., Mar. 27 at 11:59 p.m.</u> and bring ___ hard copies to class on Thurs., Mar. 28.
22 Thurs. Mar. 28	Final Oral Arguments <ul style="list-style-type: none"> Submit and distribute Assign. 4 Discuss Final Oral Arguments 	<ul style="list-style-type: none"> Prepare peer critiques for next workshop's designated memos. Bring 2 hard copies of each critique. Begin outlining Oral Arguments
23 Tues. Apr. 2	Workshop Group A <ul style="list-style-type: none"> Submit peer critiques for designated memos Workshop designated memos 	<ul style="list-style-type: none"> Prepare peer critiques for next workshop's designated memos. Bring 2 hard copies of each critique. Continue work on Oral Arguments
24 Thurs. Apr. 4	Workshop Group B <ul style="list-style-type: none"> Submit peer critiques for designated memos Workshop designated memos 	<ul style="list-style-type: none"> Prepare peer critiques for next workshop's designated memos. Bring 2 hard copies of each critique. Continue work on Oral Arguments
25 Tues. Apr. 9	Workshop Group A <ul style="list-style-type: none"> Submit peer critiques for designated memos Workshop designated memos 	<ul style="list-style-type: none"> Prepare for Oral Arguments

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26 Thurs. Apr. 11	Workshop Group B <ul style="list-style-type: none"> • Submit peer critiques for designated memos • Workshop designated memos 	<ul style="list-style-type: none"> • Prepare for Oral Arguments
27 Tues. Apr. 16	Oral Arguments <ul style="list-style-type: none"> • You will be designated a particular time slot, topic and opponent for oral argument 	<ul style="list-style-type: none"> • Complete Final Portfolio. Submit on Bb by Wed., Apr. 24 at 11:59 p.m. and bring 1 hard copy to class on Thurs., Apr. 25. • Bring laptop to class on last day
28 Thurs. Apr. 18		
29 Tues. Apr. 23		
30 Thurs. Apr. 25	Final Thoughts <ul style="list-style-type: none"> • Submit Final Portfolio • Complete Oral Arguments • Bring laptop to class • Final Thoughts • Course Evaluations 	

Students with Disabilities

USC offers accommodations and support services for students with learning disabilities. Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. Please be sure the letter is delivered to me as early in the semester as possible. DSP is located in GFS 120 and is open 8:30 am-5:00 pm, Monday through Friday. The phone number for DSP is 740-0776.

The University also provides specialized support for students in terms of academic counseling, psychological counseling, learning skills, and career placement. Your tuition pays for these services; you have every right to use them, and I recommend that you take advantage of them should you have need.

Plagiarism

Students who present another writer's ideas or words as their own, or who turn in a paper they've used for another class, are guilty of *plagiarism* and will receive an F on the assignment and/or an F in the class. In serious cases, the student will be referred to the Academic Dean's office for further action. If you have any general questions, the Trojan Integrity Guide can be found at <http://www.usc.edu/student-affairs/SJACS/forms/tig.pdf>.

The Writing Center

The Writing Center (a component of USC's Writing Program) is located on the second floor in Taper Hall on campus. The center is open to all students of the university and offers free consultations for any type of writing assignment. You are encouraged to visit the center throughout the semester for any additional guidance on the assignments for this course. Call or email the center for an appointment with a writing consultant, and be sure to bring the relevant assignment sheet, paper, or prepared questions to your session (740-3691; writing@usc.edu).

