

USC Gould

School of Law

Fundamentals of Legal Writing Skills 561a

Fall 2024 - Syllabus

Day/Time: Every Thursday morning from 9:00 am to 11:50 am PT

Location: Rm 107 of the law school building

Instructor: Otis Felder

Office Hours: By appointment (zoom or phone) Monday – Friday, 9 a.m. – 3 p.m.

Contact Info: OFelder@law.usc.edu (Primary communication)

(213) 330-8844 (Secondary communication)

Course Description

Fundamentals of Legal Writing Skills (LAW-561a/b) is a skills-based class designed to help international law students succeed in our Master of Laws (LLM) program by focusing on and improving students' legal writing skills. Students will improve their English writing by learning proper grammar, punctuation, and word choice. Through various readings and writing exercises, students will learn how to form effective sentences, paragraphs and pieces of analytical writing. Students will gain the ability to structure arguments, explain the law, and organize information for a variety of legal documents. Students will become more proficient legal writers through both formative and summative assessments. By receiving and providing feedback, students will gain confidence in their written communication skills.

Required Books

- Aspen Handbook for Legal Writers: A Practical Reference, 5th ed., by Deborah E. Bouchoux (2021) ISBN-13 978-1543809213
- Handouts will be provided on Blackboard.

Recommended Books

- Legal Writing in Plain English, 2nd ed., by Bryan A. Garner (2013)
- Woe Is I: The Grammarphobe's Guide to Better English in Plain English (4th Ed) by Patricia T. O'Conner

Course Learning Objectives

1. Gain proficiency over the subject matter of the course, as described in this syllabus
2. Interpret statutes, rules and case law to find legal rules and principles; synthesize rules and principles from multiple cases; distinguish precedent; argue effectively by analogy
3. Identify the purposes and key elements for written work product: predictive writing (objective legal memoranda), legal correspondence (client advice and demand letters).
4. Employ several writing techniques to construct clear, concise, and precise sentences and paragraphs relevant to the written work product purpose.
5. Outline and structure rules and arguments to produce organized and coherent legal writing.
6. Identify and practice using methods of legal reasoning for effective legal writing.
7. Properly attribute sources in their legal writing, and be able to cite to cases, statutes, regulations, and secondary sources in Bluebook format.

Class Format

Class sessions will start and end on time, and lectures will be recorded. Students are required to complete all assignments required for each class session. Participation is required. Students who are not able to participate fully because they have not completed all assignments will have points deducted from their participation grades. All assignments are listed in the Weekly Schedule

Learning objectives will be achieved through various means, including but not limited to:

- Readings to be completed before and/or after class sessions
- Lectures with PowerPoint presentations and polls
- Small peer discussions and in-class activities
- Viewing online writing resources such as videos and tutorials
- Short writing skill exercises
- Quizzes to assess knowledge
- Drafting and editing formal legal documents

Attendance and Participation

In person class attendance is mandatory. Students should arrive at least 5 minutes before the start of every class to ensure they arrive on time and to avoid disruption after class begins. There will be grade deductions for every unexcused absence and lateness. **Students who miss three class sessions without obtaining an excuse from the instructor will fail the course.** See the “Excused Absence Request” on Blackboard for information on how to request an excuse.

Participation in class is also required. Participation includes asking and answering questions, submitting poll responses, providing peer feedback, and contributing during in-class group activities.

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Assignments

Assignments will be quite varied throughout the semester. They include readings, quizzes, exercises, and formal writings. Review the instructions carefully for each assignment to understand the requirements, objectives, and rubric/feedback focus.

- Assignments will be announced no later than the end of class each week;
- Unless otherwise stated on the Weekly Schedule, all assignments must be submitted to Blackboard by 9:00 am on the Thursday after the assignment is given=
- You have 7 (seven) days total to complete.
- Late Policy: 10% deduction for every day late and no assignment will be accepted 3 days after the due date.
- See the “Late Submission Request” on Blackboard for information on how to request a deadline extension.

Instructors have discretion over accepting late work without prior arrangement in the case of extenuating circumstances (such as hospitalization, childbirth, major accident, injury or bereavement). Students who experience such a circumstance must notify the instructor as soon as possible of the extenuating circumstance that prevented them from submitting work on time and determine a deadline with the instructor for submitting the work. A doctor’s note may be requested. In these instances the instructor may waive the late penalty listed above. However, students who do not meet the deadline arranged with the instructor will receive a grade of zero on the assignment. Students experiencing life circumstances that disrupt their studies for more than two weeks should consult with their Student Advisor about their grading and enrollment options.

Grading

The course will be graded on a pass/fail basis. Students will receive feedback on their written assignments. Students who receive a final grade in the top 25% of the class will receive a High Pass. The course will be graded as follows:

| Component | Percentage of Final Score |
|--------------------------------|---------------------------|
| Assignments/In class exercises | 30% |
| Midterm | 30% |
| Final | 30% |
| Participation | 10% |
| Total Percentage | 100% |

Rubric for Written Assignments

| Objective | Poor | Average | Excellent |
|-----------------------------------|--|--|---|
| Understanding the law | The law is substantially misstated. | The law is essentially correct, although it may be stated in an unclear manner or a minor error has occurred. | The law is stated in a clear and correct manner. |
| Application of facts | The applicable facts are not mentioned or the facts are not matched to the appropriate rule. Reasons/arguments supporting the application of the law are not provided. | There are a few facts omitted or not applied to the appropriate rule. Reasons/arguments supporting the application of the law are only partially provided. | The applicable facts have been applied to the appropriate rule. Reasons/arguments supporting the application of the law are provided. |
| Writing Clarity & IRAC | There are numerous typos, grammatical errors or incorrect word usage. Student does not use the IRAC format. | There are a few typos, grammatical errors or incorrect word usages, but not so many as to make the response difficult to read. Student does not use the IRAC format. | There are no typos, grammatical errors, or incorrect word usage. Student uses the IRAC format. |

Writing Quality

Students to use IRAC while submitting their answers. Also, informal language and writing or speaking in a casual tone is highly discouraged.

Formatting Guidelines for All Written Work

- All documents should be in Microsoft Word format.
- Your last name and week number should appear in the file name. e.g. "Jonesweek01.doc"
- Papers must be typewritten or word-processed, double-spaced, with 1-inch margins, in 12 point Times New Roman font.
- Make sure you keep a copy of all submitted papers.

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- Include citations, references, and other appropriate weblinks.
- Remember to proofread your work several times.

Cover Page

Every assignment should have a cover page. The cover page is the first page of the assignment and will include the following information:

- Student’s Name
- Instructor’s Name
- Class Name/Information
- Assignment Number

Course Schedule: A Weekly Breakdown

| Week | Topic | Reading + Assignment |
|-----------|--|---|
| 1 8/29 | Introduction to Effective Writing; Syllabus | Handbook for Legal Writers, 5th Ed.): pages 92-93, 106-116; 121-139. Homework Handbook Ch 1 Intro essay – 1-2 pages Read and be prepared to discuss: THE CONQUEROR. Supreme Court US Law LII / Legal Information Institute (cornell.edu) |
| 2 9/5 | Grammar Basics/Sentence Structure; Intro to US Legal Syst. | Read: Jacobs v. Coldwell Banker Residential Brokerage (2017) 14 Cal. App. 5th 438 Grammar Worksheets |
| 3 9/12 | How to Read and Brief a Case; Sentence Structure | Read: Handbook Pages 199-209 Handout: How to Brief a Case Prepare Student Case Brief for Jacobs v Coldwell Banker Martinez v. Chippewa Enterprises, Inc. (2004) 121 Cal. App. 4th 1179 |

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|-------------|---|--|
| 4 9/19 | Where law comes from and finding the rule | Homework: Prepare Student Briefs for the Following Cases: Florez v. Groom Development Co. (1959) 53 Cal.2d 347 Garner – sections 24, 26 & 27 handout. |
| 5 9/26 | Review: Rules and Rule Explanation Statements based on the cases we have read so far; Paragraphs | Ramsfield, "Culture to Culture, A Guide to US Legal Writing". part 1. pp 103-104; and part 2. pp 109-123 Homework – Garner basic /intermediate exercises 24,26, 27 Another case – Osborne – Los Gatos Golf course? |
| 6. 10/3 | Analysis – Analogize and distinguishing authority. Different types of paragraphs | |
| 7. 10/17 | Case Citations Predictive Writing – Memo | Assign Mid term Rule and analysis re hypothetical – question – does Oscar owner have a duty to warn or prevent Connie Claimant from being injured on the Valentino stairs; Due on 10/18 |
| 8 10/24 | Mid Term – rough draft review | |
| 9 11/7 | Writing about facts and conclusions Chronologies, descriptions and illustrations | Summarize the facts and make a conclusion for the memo |
| 10 11/14 | Readability, nominalizations, parallel-ism Correspondence | Final Distributed |
| 11 11/21 | Final review | |
| 12/5 | Summary and Overview Final Due | |

Academic Conduct

Collaboration in the form of general discussions is permitted. However, collaboration on quizzes, writing exercises, and formal writings is prohibited. You will have opportunities to provide peer feedback under my direction.

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in SCampus in Part B, Section 11, “Behavior Violating University Standards,” <https://policy.usc.edu/files/2020/07/SCampus-Part-B-2.pdf>. Other forms of academic dishonesty are equally unacceptable.

Discrimination, sexual assault, and harassment are not tolerated by the university. You should report any incidents to the Office of Equity and Diversity: <http://equity.usc.edu> or to the Department of Public Safety: <http://adminopsnet.usc.edu/department/department-public-safety>.

Brightspace

USC is making a change in our online learning platform, and we are now using Brightspace.

How to Log In

To access Brightspace today, follow these steps:

1. Go to <https://brightspace.usc.edu/d2l/login> to login. You can also find Brightspace on [myUSC](#).
2. Enter your USC Net ID to access
3. Begin navigating through Brightspace

I also encourage you to download the mobile app, Brightspace Pulse, available in both the [Apple App Store](#) and [Google Play](#).

What to Expect

Brightspace provides an enhanced learning experience with detailed class progress reports. With Brightspace, you can easily see all assignment due dates in one place. Upon opening Brightspace, you will find the following:

- **The 20233_lawl_561A_04003: Fundamentals of Legal Writing Skills Course:** We will use this course to complete work for this course throughout the semester.

Support Resources

Do you want to learn more about Brightspace? Check out training and resources in the [Brightspace Student Tutorials](#). Find technical support information below:

- **Student Guides:** [Brightspace Student Guides](#)
- **Brightspace Technical Support Line:** 888-895-2812
- **Brightspace Email Support:** usc@d2l.com

Support Systems

Various academic support resources are provided to USC students. For any questions and information on resources, please contact me or an advisor in the law school's Graduate & International Programs office.

Student Counseling Services (SCS) – (213) 740-7711 – 24/7 on call

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

<https://studenthealth.usc.edu/counseling/>.

See also this guide for Gould students to facilitate access to mental health resources on campus: <https://gould.usc.edu/assets/docs/directory/Mental-Health-Services-at-USC.pdf>

National Suicide Prevention Lifeline – 1 (800) 273-8255

Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week. www.suicidepreventionlifeline.org

Relationship and Sexual Violence Prevention Services (RSVP) – (213) 740-4900 – 24/7 on call

Free and confidential therapy services, workshops, and training for situations related to gender-based harm. <https://studenthealth.usc.edu/sexual-assault/>

Sexual Assault Resource Center

For more information about how to get help or help a survivor, rights, reporting options, and additional resources, visit the website: <https://eotix.usc.edu/>

Office of Equity and Diversity (OED)/Title IX Compliance – (213) 740-5086

Works with faculty, staff, visitors, applicants, and students around issues of protected class. <https://eotix.usc.edu/>

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

Bias Assessment Response and Support

Incidents of bias, hate crimes, and microaggressions need to be reported allowing for appropriate investigation and response. <https://eotix.usc.edu/>

The Office of Disability Services and Programs

Provides certification for students with disabilities and helps arrange relevant accommodations. <https://dsp.usc.edu/>

Student Support and Advocacy

Campus Support and Information is where members of the Trojan Family go to seek support for themselves, for others, and for the community. It is a one-stop-shop for care and support, troubleshooting and advocacy. <https://cwci.usc.edu/campus-support-and-intervention/>

If you are concerned about a fellow Trojan challenged with personal difficulties, you can file a report through Trojans Care for Trojans. The form can be found at: <https://campussupport.usc.edu/trojans-care-4-trojans/>.

Diversity at USC

Information on events, programs and training, the Diversity Task Force (including representatives for each school), chronology, participation, and various resources for students. <https://diversity.usc.edu/>

Gould-specific information can be found at <https://gould.usc.edu/about/race-equity/> (Law, Race and Equity page) and <https://gould.usc.edu/students/diversity/> Students can submit anonymous EDI-related comments/complaints through the law portal: <https://mylaw2.usc.edu/about/contact/anonymous-comments>

USC Emergency Information

Provides safety and other updates, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible. <https://emergency.usc.edu/>

USC Department of Public Safety – UPC: (213) 740-4321 – HSC: (323) 442-1000 – 24-hour emergency or to report a crime.

Provides overall safety to USC community. <https://dps.usc.edu/>

The Office of Disability Services and Programs provides certification for students with disabilities and helps arrange the relevant accommodations: http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html

If an officially declared emergency makes travel to campus infeasible, USC Emergency Information <http://emergency.usc.edu> will provide safety and other updates, including ways in which instruction will be continued by means of blackboard, teleconferencing, and other technology.

Counseling and Mental Health - (213) 740-9355 – 24/7 on call
studenthealth.usc.edu/counseling

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

National Suicide Prevention Lifeline - 1 (800) 273-8255 – 24/7 on call
suicidepreventionlifeline.org

Free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

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Relationship and Sexual Violence Prevention Services (RSVP) - (213) 740-9355(WELL), press “0”
after hours – 24/7 on call
studenthealth.usc.edu/sexual-assault
Free and confidential therapy services, workshops, and training for situations related to gender