

### Course Details:

Section 65235 MWF 1-1:50 p.m. in GFS 229 or alternatively (in case of emergency): https://usc.zoom.us/j/958 89842891 Meeting ID: 958 8984 2891

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

Office Hours: MW 12-12:45 pm and by appointment in JEF 235 or https://usc.zoom.us/j/533 4608479 Meeting ID: 533 460 8479

### Required Texts & Supplies:

- Elefano's Legal Writing for the Undergraduate
- Assigned readings and assignments on Blackboard (Bb)

# **Moot Court** Fall 2024 Syllabus WRIT 340 • Antonio Elefano

#### Introduction

The first time I taught legal writing, 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: Moot Court 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 no 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.

## **Attendance and Participation**

You are allowed three excused absences throughout the semester. Absences are only <u>excused if you e-</u> <u>mail me ahead of time to let me know you will not be in class</u>. 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 three—will result in a grade penalty on the Daily Work portion of your final grade. Students with more than ten 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 submit them via Blackboard/Turnitin and send them to me via e-mail.

## Evaluation

Important Dates:

Mon., Sept. 2: Labor Day

Fri., Oct. 11: Fall Break

Wed., Nov. 27-Fri., Nov. 29: Thanksgiving Break

*Fri., Dec. 6:* Last day of class/Appellate Brief due



Your final semester mark will be determined as follows:

- **15% Daily Work** includes ancillary writing, class participation, quizzes and homework
- **10%** Assignment 1 8-14 page memorandum of law to a supervising partner
- **Assignment 2** 16-18 pages of single-spaced Rhetorical Analyses/Critiques of peer assignments (A1 + A3 combined)
- **10%** Assignment 3 7-12 page Oral Argument Script
- **15% Oral Argument** stemming from Assignment 3 and Appellate Brief
- **40%** Appellate Brief 20-30 page double-spaced Appellate Brief to Supreme Court (to be submitted to AMCA for competition)

## Late Papers and Extensions

Writing assignments are due on Blackboard <u>at 11:59 p.m. on the designated dates</u>, typically on nights preceding a class day. Only under dire circumstances (<u>the LSAT doesn't qualify</u>) will late work be accepted. Failure to submit by the 11:59 p.m. deadline will result in a one-step (e.g., B+ to B) grade penalty. 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.

## Conferences

Occasionally throughout the semester we will meet in conferences in lieu of our regular class period. One of these conferences will be scheduled as an individual meeting with me, while others may be organized as small group sessions. During conference weeks my regular office hours will be canceled.

## **Classroom Etiquette**

Mobile devices should be shut off during class and during individual and group conferences. Laptops may be used for note taking, but if they prove distracting, I reserve the right to ban them as well. In the event we have to switch to online instruction, I would prefer that you activate your camera for every Zoom session and that you keep your focus on class during class time.

Class	Торіс	Assignment for next class
1	Introduction to Moot Court	• Read Elefano Chs. 6-7: Legal Writing
Mon.	Discuss AMCA prompt	Fundamentals and Introduction to Legal
Aug. 26	Introduction to Course	Memoranda
110.5. 20	• Discuss Hierarchy of Law	• Read Assignment 1 and prioritize the four
	(from Elefano Ch. 1) and Case	memo assignments for your Issue
	Briefing (from Elefano Ch. 4)	• Brief an answer for A1/Q1:
	• Discuss Assignment 1:	• Fifth Amendment: Are compelled
	Threshold Issue Memorandum	biometrics testimonial communication?
		• First Amendment: Are DeNolf's text
		messages "mixed speech," public or private?

## **Syllabus**

Class	Topic	Assignment for next class
2 Wed. Aug. 28 3 Fri. Aug. 30	<ul> <li>Legal Writing Fundamentals</li> <li>Discuss Legal Writing Fundamentals</li> <li>Discuss Assignment 1 and distribute individual assignments</li> <li>Discuss A1/Q1 answers</li> </ul> Testimonial Communication/Mixed Speech and Public vs. Private Speech <ul> <li>Discuss A1/Q2 answers</li> </ul>	<ul> <li>Brief an answer for your A1/Q2:</li> <li>Fifth Amendment: How does the act of production doctrine apply?</li> <li>First Amendment: Are DeNolf's text messages incitement, speech integral to criminal conduct or fighting words?</li> <li>Brief an answer for your A1/Q3:</li> <li>Fifth Amendment: How does the foregone conclusion doctrine apply?</li> <li>First Amendment: Are DeNolf's text messages true threats? Apply strict scrutiny to the manslaughter statute as</li> </ul>
		applied to our case.
	Monday, September 2: La	
4 Wed. Sept. 4	<ul> <li>Act of Production/Incitement,</li> <li>Speech Integral to Criminal</li> <li>Conduct and Fighting Words</li> <li>Discuss A1/Q3 answers</li> </ul>	<ul> <li>Brief an answer for your A1/Q4:</li> <li>Fifth Amendment: Explain the intersection between this Amendment and emerging technology?</li> <li>First Amendment: Did DeNolf demonstrate the requisite mens rea for a conviction and did he cause Bronner's suicide?</li> <li>Read Elefano Ch. 13: Appellate-Style Oral Argument (pp. 289-291)</li> </ul>
5 Fri. Sept. 6	<ul> <li>Introduction to Oral Argument</li> <li>Discuss A1/Q4 answers</li> <li>Discuss principles of oral argument</li> </ul>	<ul> <li>Outline best arguments for Oral Argument for both DeNolf and Olympus</li> <li>Begin outlining and drafting A1</li> </ul>
6 Mon. Sept. 9	<ul> <li>Group Conferences</li> <li>Work in class with students writing about same memo issue to discuss arguments</li> <li>Work in class with OA groups to prepare for oral arguments</li> </ul>	<ul><li>Prepare for group oral arguments</li><li>Continue working on A1</li></ul>
7 Wed. Sept. 11	GroupOralArgument(FifthAmendment)• DeNolf vs. State of Olympus	<ul><li>Prepare for group oral arguments</li><li>Continue working on A1</li></ul>
8 Fri. Sept. 13	Group Oral Argument (First Amendment) • DeNolf vs. State of Olympus	Continue working on A1

Class	Торіс	Assignment for next class
9 Mon. Sept. 16 10 Wed. Sept. 18 11 Fri. Sept. 20	<ul> <li>Conferences</li> <li>Regular class is cancelled</li> <li>Instead, you must attend one 15-minute conference to discuss your progress on Assignment 1</li> </ul>	<ul> <li>Complete Assignment 1. Submit on Bb by <u>Sun., Sept. 22 at 11:59 p.m.</u></li> <li>Bring 9-10 hard copies to class on Mon., Sept. 23</li> <li>Read Elefano Ch. 11: Workshopping Legal Writing</li> </ul>
12 Mon. Sept. 23	<ul> <li>Workshop Expectations</li> <li>Submit and distribute A1 for peer review</li> <li>Discuss Assignment 2: Rhetorical Analyses/Peer Critiques</li> <li>Q&amp;A regarding law school and legal practice</li> </ul>	<ul> <li>Prepare A2: peer critiques for next workshop's designated memos. Submit all the peer critiques for next class in one document on Bb at <u>11:59 p.m. on Tues.,</u> <u>Sept. 24 for Fifth Amendment and 11:59 p.m. on Thurs., Sept. 26 for First Amendment</u></li> </ul>
13 Wed. Sept. 25	<ul> <li>Fifth Amendment Workshop</li> <li>Workshop designated memos</li> <li>Distribute A2: peer critiques for designated memos</li> </ul>	• Prepare A2: peer critiques for next workshop's designated memos. Submit all the peer critiques for next class in one document on Bb at <u>11:59 p.m. on Sun.</u> , <u>Sept. 29 for Fifth Amendment</u>
14 Fri. Sept. 27	<ul> <li>First Amendment Workshop</li> <li>Workshop designated memos</li> <li>Distribute A2: peer critiques for designated memos</li> </ul>	• Prepare A2: peer critiques for next workshop's designated memos. Submit all the peer critiques for next class in one document on Bb at <u>11:59 p.m. on Tues.</u> , Oct. 1 for First Amendment
15 Mon. Sept. 30	<ul> <li>Fifth Amendment Workshop</li> <li>Workshop designated memos</li> <li>Distribute A2: peer critiques for designated memos</li> </ul>	• Prepare A2: peer critiques for next workshop's designated memos. Submit all the peer critiques for next class in one document on Bb at <u>11:59 p.m. on Thurs.,</u> Oct. 3 for Fifth Amendment
16 Wed. Oct. 2	<ul> <li>First Amendment Workshop</li> <li>Workshop designated memos</li> <li>Distribute A2: peer critiques for designated memos</li> </ul>	• Prepare A2: peer critiques for next workshop's designated memos. Submit all the peer critiques for next class in one document on Bb at <u>11:59 p.m. on Sun.,</u> <u>Oct. 6 for First Amendment</u>
17 Fri. Oct. 4	<ul> <li>Fifth Amendment Workshop</li> <li>Workshop designated memos</li> <li>Distribute A2: peer critiques for designated memos</li> </ul>	<ul> <li>Read Elefano Ch. 13: Introduction to Appellate Briefs</li> <li>Read Assignment 3: Oral Argument Outline and Final Assignment: Appellate Brief</li> </ul>

Class	Topic	Assignment for next class
18 Mon. Oct. 7	<ul> <li>First Amendment Workshop</li> <li>Workshop designated memos</li> <li>Distribute A2: peer critiques for designated memos</li> </ul>	<ul> <li>Read Elefano Ch. 13: Introduction to Appellate Briefs</li> <li>Read Assignment 3: Oral Argument Outline and Final Assignment: Appellate Brief</li> </ul>
19 Wed. Oct. 9	<ul> <li>Introduction to Appellate Briefs</li> <li>Discuss Appellate Briefs</li> <li>Discuss A3: Oral Argument Script</li> <li>Discuss pairings (one Fifth and one First Amendment) for Oral Arguments/Appellate Briefs</li> </ul>	<ul> <li>Determine final pairing preferences for Oral Arguments/Appellate Briefs</li> <li>Begin work on A3: Oral Argument Script</li> </ul>
	Friday, October 11:	Fall Break (No Class)
20 Mon. Oct. 14	<ul> <li>Fifth Amendment Outlining</li> <li>Fifth Amendment group only discusses A3</li> </ul>	<ul> <li>Continue work on A3: Oral Argument Script</li> <li>Prepare Cover Page and Questions Presented of Appellate Brief and bring 1 hard copy on Fri., Oct. 18</li> </ul>
21 Wed. Oct. 16	<ul> <li>First Amendment Outlining</li> <li>First Amendment group only discusses A3</li> </ul>	<ul> <li>Continue work on A3: Oral Argument Script</li> <li>Prepare Cover Page and Questions Presented of Appellate Brief and bring 1 hard copy on Fri., Oct. 18</li> </ul>
22 Fri. Oct. 18	<ul> <li>Merging Writing Styles</li> <li>Review Appellate Brief Cover Page and Questions Presented</li> <li>Work in pairs on Statement of the Case</li> </ul>	<ul> <li>Continue work on A3: Oral Argument Script</li> <li>Complete Statement of the Case of Appellate Brief</li> <li>Bring both of the above in hard copy to paired conference</li> </ul>
23 Mon. Oct. 21 24 Wed. Oct. 23	<ul> <li>Paired Conferences</li> <li>In lieu of class, schedule a 20- minute conference with Professor Elefano to discuss your team's progress on A3 and Appellate Brief</li> </ul>	<ul> <li>Complete work on A3: Oral Argument Script. Submit on Bb by <u>Thurs., Oct. 24 at 11:59</u> <u>p.m.</u></li> <li>Bring 9-10 hard copies to class on Fri., Oct. 25</li> </ul>
25 Fri. Oct. 25	<ul> <li>Appellate Brief Arguments</li> <li>Submit and distribute A3 for peer review</li> <li>Work in pairs on Appellate Brief Argument</li> </ul>	• Prepare A2: peer critiques for next workshop's designated scripts. Submit all the peer critiques for next class in one document on Bb at <u>11:59 p.m. on Sun., Oct. 27 and</u> <u>bring 1 marked copy of each manuscript</u> <u>and 1 hard copy of each critique to class</u> <u>for each author.</u>

Class	Topic	Assignment for next class
26 Mon. Oct. 28	<ul> <li>Fifth Amendment Workshop</li> <li>Workshop designated scripts</li> <li>Distribute A2: peer critiques for designated scripts</li> </ul>	<ul> <li>Prepare A2: peer critiques for next workshop's designated scripts. Submit all the peer critiques for next class in one document on Bb at 11:59 p.m. on Sun., Nov. 3 and bring 1 marked copy of each manuscript and 1 hard copy of each critique to class for each author.</li> </ul>
27 Wed. Oct. 30	<ul> <li>First Amendment Workshop</li> <li>Workshop designated scripts</li> <li>Distribute A2: peer critiques for designated scripts</li> </ul>	<ul> <li>Prepare A2: peer critiques for next workshop's designated scripts. <u>Submit all the</u> <u>peer critiques for next class in one</u> <u>document on Bb at 11:59 p.m. on Sun.</u>, <u>Nov. 3 and bring 1 marked copy of each</u> <u>manuscript and 1 hard copy of each</u> <u>critique to class for each author.</u></li> </ul>
28 Fri. Nov. 1	<ul> <li>No Class/City of Angels</li> <li>Tournament</li> <li>In lieu of class, everyone in class who is not competing at the City of Angels or Fresno Regional Tournament is expected to bailiff on either Saturday, Nov. 2 or Sunday, Nov. 3</li> </ul>	<ul> <li>Prepare A2: peer critiques for next workshop's designated scripts. Submit all the peer critiques for next class in one document on Bb at 11:59 p.m. on Sun., Nov. 3 and bring 1 marked copy of each manuscript and 1 hard copy of each critique to class for each author.</li> </ul>
29 Mon. Nov. 4	<ul> <li>Fifth Amendment Workshop</li> <li>Workshop designated scripts</li> <li>Distribute A2: peer critiques for designated scripts</li> </ul>	<ul> <li>Prepare A3: peer critiques for next workshop's designated scripts. Submit all the peer critiques for next class in one document on Bb at 11:59 p.m. on Thurs., Nov. 7 and bring 1 marked copy of each manuscript and 1 hard copy of each critique to class for each author.</li> </ul>
30 Wed. Nov. 6	<ul> <li>First Amendment Workshop</li> <li>Workshop designated scripts</li> <li>Distribute A3: peer critiques for designated scripts</li> </ul>	<ul> <li>Prepare A3: peer critiques for next workshop's designated scripts. Submit all the peer critiques for next class in one document on Bb at 11:59 p.m. on Tues., Nov. 12 and bring 1 marked copy of each manuscript and 1 hard copy of each critique to class for each author.</li> </ul>
31 Fri. Nov. 8	<ul> <li>Fifth Amendment Workshop</li> <li>Workshop designated scripts</li> <li>Distribute A3: peer critiques for designated scripts</li> </ul>	• Complete full draft of Appellate Brief (minus Table of Contents, Table of Authorities and Appendices)

Class	Торіс	Assignment for next class
Monday, November 11: Veteran's Day (No Class)		
32 Wed. Nov. 13	<ul> <li>First Amendment Workshop</li> <li>Workshop designated scripts</li> <li>Distribute A3: peer critiques for designated scripts</li> </ul>	• Complete full draft of Appellate Brief (minus Table of Contents, Table of Authorities and Appendices)
33 Fri. Nov. 15	<ul> <li>Paired Class Work</li> <li>Review Appellate Brief drafts in pairs</li> <li>Work in pairs on Table of Contents, Table of Authorities and Appendices</li> </ul>	<ul> <li>Prepare for Final Oral Arguments</li> <li>Full drafts of Appellate Briefs (including all sections) are due on Sunday., Nov. 17 at 11:59 p.m. on BB. Each pair should bring 1 hard copy to class on Mon., Nov. 18.</li> </ul>
34 Mon. Nov 18	<ul> <li>Revising Appellate Briefs</li> <li>Submit drafts of Appellate Briefs in preparation for Oral Argument</li> <li>Discuss revision process for Appellate Briefs</li> </ul>	<ul> <li>Revise Appellate Brief. Submit on Bb by <u>11:59</u></li> <li><u>p.m. on Thurs., Dec. 5</u> and bring one hard copy to class on <u>Fri., Dec. 6</u>.</li> </ul>
35 Wed. Nov. 20 36 Fri. Nov. 22 37 Mon. Nov. 25	<ul> <li>Final Oral Arguments</li> <li>Only attend your scheduled day (formal attire required)</li> </ul>	<ul> <li>Revise Appellate Brief. Submit on Bb by <u>11:59</u></li> <li><u>p.m. on Thurs., Dec. 5</u> and bring one hard copy to class on <u>Fri., Dec. 6</u>.</li> </ul>
Wednesday-Friday, November 27-29: Thanksgiving Holiday (No Class)		
38 Mon. Dec. 2 39 Wed. Dec. 4	<ul> <li>Final Oral Arguments</li> <li>Only attend your scheduled day (formal attire required)</li> </ul>	<ul> <li>Complete Appellate Brief. Submit on Bb by <u>11:59 p.m. on Thurs., Dec. 5</u> and bring one hard copy to class on <u>Fri., Dec. 6</u>.</li> </ul>

Class	Торіс	Assignment for next class
40	Final Thoughts	
Fri.	Submit Appellate Brief	
Dec. 6	Final Thoughts	
	Course Evaluations	

#### **Students with Disabilities**

USC welcomes students with disabilities into all of the University's educational programs. The Office of Student Accessibility Services (OSAS) is responsible for the determination of appropriate accommodations for students who encounter disability-related barriers. Once a student has completed the OSAS process (registration, initial appointment, and submitted documentation) and accommodations are determined to be reasonable and appropriate, a Letter of Accommodation (LOA) will be available to generate for each course. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at osas.usc.edu. You may contact OSAS at (213) 740-0776 or via email at osasfrontdesk@usc.edu.

#### 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 <u>http://www.usc.edu/student-</u> <u>affairs/SJACS/forms/tig.pdf</u>.

#### 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).

#### Support Systems

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. 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-based harm.

Office for Equity, Equal Opportunity, and Title IX (EEO-TIX) - (213) 740-5086 ecotix.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.

Reporting Incidents of Bias or Harassment - (213) 740-5086 or (213) 821-8298

usc-advocate.symplicity.com/care\_report

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office for Equity, Equal Opportunity, and Title for appropriate investigation, supportive measures, and response.

The Office of Student Accessibility Services (OSAS) - (213) 740-0776

#### <u>osas.usc.edu</u>

OSAS ensures equal access for students with disabilities through providing academic accommodations and auxiliary aids in accordance with federal laws and university policy.

USC Campus Support and Intervention - (213) 821-4710

campussupport.usc.edu

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

# Diversity, Equity and Inclusion - (213) 740-2101 diversity.usc.edu

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 - 24/7 on call

#### dps.usc.edu, emergency.usc.edu

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call <u>dps.usc.edu</u>

Non-emergency assistance or information.

Office of the Ombuds - (213) 821-9556 (UPC) / (323-442-0382 (HSC) ombuds.usc.edu

A safe and confidential place to share your USC-related issues with a University Ombuds who will work with you to explore options or paths to manage your concern.

Occupational Therapy Faculty Practice - (323) 442-3340 or otfp@med.usc.edu

#### <u>chan.usc.edu/otfp</u>

Confidential Lifestyle Redesign services for USC students to support health promoting habits and routines that enhance quality of life and academic performance.