Lawyering Process I
SYLLABUS: Fall 2016
Note: may change if class needs change

Professor Pollman
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OFFICE HOURS:
After class, by appointment, drop in. To schedule an appointment, please send me an email that names three convenient times for you. I'll get back to you. Weekend appointments are acceptable too. You are most likely to catch me in my office on Monday, Tuesday, Wednesday and Friday.

REQUIRED TEXTS:
Pollman et al: Examples and Explanations: Legal Writing (2014) (E&E)
ALWD: A Professional System of Citation (5th ed. Aspen 2014) (ALWD)
Note: you will use these books throughout LPI and LPII. You may need to buy additional books for LPII, however.

TEACHING ASSISTANTS: Andrew Clark, Chris Giddons, Beatriz Aguirre, Wes LeMay

CLASS TIMES:
Wednesdays and Fridays
Section 505-1001: Weds and Fri.: 9:00-10:25 in Room 112
Section 505-1003: Weds. And Fri.: 10:35-12:00 in Room 112

TWEN is the acronym for The West Education Network. I use this handy commercial service to set up a website for the class, but please note that I don't intend to endorse the West computer assisted legal research services over any other product. You will receive a password during your first days at the law school that will allow you to register for the site. On the TWEN site you will find documents, announcements, links and discussion helpful or important to our section of the course. I may occasionally give quizzes on the site as well. You must check the TWEN site frequently.

E-MAIL:
I will use e-mail to communicate important information between class meetings, usually through the TWEN page. You must check your e-mail often, even if it is only available to you here at school.

INTERNET USE DURING CLASS:
You may NOT connect your laptop to the Internet during class unless I ask you. Multiple violations of this rule are likely to lead to a ban on using laptops in class.
COURSE GOALS AND OBJECTIVES:

This course will introduce you to basic legal research, client interviewing, and the conventions of written legal analysis. You will analyze problems involving both the common law and statutory law, and perform research. In addition to many small writing assignments, you will research and write two full memoranda of law.

Professionalism:
- Begin the process of developing a personal philosophy of lawyering;
- Begin to think the nature and boundaries of the lawyer-client relationship;
- Treat other persons with civility in interpersonal interactions; and
- Work with others collegially and with professional courtesy

Legal Analysis & Writing:
- Understand the importance of both law and facts in legal analysis;
- Recognize and use various kinds of legal reasoning;
- Support an argument with appropriate legal authority and logic;
- Use the conventions lawyers use to organize a document
- Write in a direct, concise, and active, style;
- Communicate complex ideas simply but not simplistically;
- Write in a predictive mode for inter-office communication; and
- Establish credibility through attention to detail.

Legal Research:
- Recognize the recursive and analytical nature of the research process;
- Understand the importance of both law and facts when conducting legal research;
- Research primary law;
- Understand the mechanics and importance of updating research; and
- Become familiar with some common secondary sources.

Client Interviewing and Counseling:
- Learn the components of a thorough and thoughtful client interview;
- Learn to prepare to interview a client;
- Formulate appropriate questions for client interviews;
- Understand the importance of both law and facts in preparing to interview
- Begin to understand the lawyer's role as a counselor at law

GRADING:
I will compute student grades based on the following weighted components:

1. Good faith preparation of all "participation-graded" assignments, quizzes, class participation, course requirements and the "mastery learning" exam: 15%

You must prepare and participate to succeed in this class. You will complete a
number of "participation-graded" or checkmark assignments (sometimes called "ungraded" because you may not receive feedback or a numerical score). Often these will help you learn the necessary skills to perform well on graded assignments.

For "participation-graded" assignments, you will begin the semester with a bank of points that will remain unchanged if you participate fully in the course. I will deduct points for a pattern of missing classes, sloppy or unsatisfactory performance, a pattern of poor performance on quizzes, a pattern of turning in minor assignments late. (Turning in major assignments late will result in a lower grade on the assignment.)

Please note that failure to complete mandatory assignments or requirements may result in failing the class regardless of the percentage of the grade attributed to the assignment. Most students lose few, if any points. That means that the numbers below are a little deceptive and other graded projects are worth slightly more than it appears.

About the Mastery Learning Quiz: I will grade the class quiz on a "mastery learning" basis. You must achieve a score of 75% on the test as a whole, or repeat the test until you do. The quiz takes place during class, and not during the formal exam period. It tests on what we have covered in class and assignments. It is not a typical law school exam and is easier and much less analytical than exams for other classes, but should help you prepare to write the final memo.

2. First Memo: 15%
   First Submission: 5%; Second Submission: 10%
   This assignment will introduce you to the office memo structure and will give you the opportunity to use the reasoning and analysis skills you learn early in the semester with ungraded assignments. The first submission is only 5% of your total grade in order to give you a "safe" place to learn from your mistakes. Making mistakes is the way you learn. You will turn in one polished submission, attend a mandatory conference to discuss ways to improve your memo, and then complete another draft. Although the first submission is worth only a small part of your grade, I expect a fully polished document, and I will comment on it extensively. Those who turn in less than a good faith draft may lose the benefit of my comments. Most students vastly improve in the second draft and those grades tend to cluster. This puts even more pressure on the final memo.

3. Final Office Memorandum: 70%
   You will complete a final research memo in the last weeks of class that will function in much the same way as a long take-home exam. The memo will analyze a legal problem that you will learn about through a client interview. Although we will conference on your progress, you will research and write the memo with more independence and much less guidance than the first memo. It's your chance to show me what you have learned throughout the semester.
GRADING OR ASSESSMENT CRITERIA:
Here is a checklist that may help you understand the criteria I use as I assess memo assignments. Remember, however, if you are late on a major assignment without an extension, you may fail that assignment regardless of the quality of your work.

An "A" paper will display these strengths:
☐ identify all significant issues
☐ have no faulty logic or irrational arguments
☐ be based on solid research
☐ convincingly apply the applicable law to the facts
☐ use analogical reasoning to precedent to support argument
☐ make a well-reasoned prediction or argument
☐ be concise, and easy to read
☐ use an active and concise writing style
☐ follow the prescribed format
☐ have few if any citation errors
☐ be free of errors in grammar, spelling, syntax, and typing
☐ address the professor’s comments from earlier drafts
☐ meet the word count limitation
☐ be on time

A "B" paper will display many strengths and some weaknesses:
☐ lack the polish of an "A" paper
☐ may sometimes require the reader to reread to grasp the author’s point
☐ be well organized
☐ use analogical reasoning to support argument but some analogies may not be the strongest available
☐ may use poor word choices or a distracting paragraph style
☐ be based on adequate research
☐ apply the applicable law to the facts with few gaps in analysis
☐ make a well-reasoned prediction or argument
☐ follow the acceptable format, for the most part
☐ use an active, direct, and concise style with a few exceptions
☐ have only a few major citation errors
☐ have rare errors in grammar, spelling, syntax, and typing
☐ address the professor’s comments from earlier drafts
☐ meet the word count limitation
☐ be on time
A "C" paper will display many of these weaknesses:
- apply the applicable law to the facts with gaps in analysis
- may make a poorly reasoned prediction or argument
- may fail to use analogy to precedent to support argument
- contain paragraphing and organizational errors
- fail to communicate the writer's thoughts concisely
- sometimes be based on sloppy research
- may use a dense, passive, or verbose writing style
- sometimes stray from acceptable format
- contain numerous citation errors
- contains errors in grammar, spelling, syntax, and typing
- address the professor's comments from earlier drafts in a careless manner
- usually meet the word count limitation

A "D" or "F" paper will display most of these weaknesses:
- IGNORE SUGGESTED CORRECTIONS FROM AN EARLIER DRAFT
- be based on incomplete research
- not apply the applicable law to the facts in an understandable manner
- fail to use analogy to precedent to support argument
- make a poorly reasoned prediction or argument
- stray numerous times from acceptable format
- use a dense, passive, or verbose writing style
- consistently display citation errors
- consistently display errors in grammar, spelling, syntax, and typing
- sometimes go over the word count limitation
- sometimes fail to meet the deadline
- contain numerous paragraphing and organizational errors that interfere with the reader's ability to follow the writer's thoughts

TIMELINESS OF ASSIGNMENTS:
Most participation-graded assignments will be due at the beginning of class. Memo assignments may be due electronically on a day when we don't meet for class, or before the start of your classes that do meet on that day. For memo assignments, you must turn in an electronic copy, as well as one or more hard copies. You will receive instructions about where to turn in the hard copy but making the deadline is primarily based on the electronic copy. Due dates and times for assignments (especially the memo assignments) are strict, barring a genuine emergency such as a significant, verifiable illness or death in the family. You will lose points for tardy assignments. You should request extensions as soon as you know of the emergency and in writing when possible to minimize the penalty.

COLLABORATION:
I encourage you to discuss materials and ideas with each other because this dialogue expedites learning. That being said, your written work must be your own. Do not compose together or compare notes as you compose. I often assign peer edits, but please ask for permission before asking anyone outside of classmates, our TAs or CASE for an edit. (I am likely to agree that a spouse,
partner or roommate can give you feedback, but please ask.)

Although you may use CASE or our TA for peer edits, deciding when to follow their suggestions is your responsibility. (And another important skill to develop. Sometimes they are wrong!)

For all assignments, whether graded or not, the work product that you hand in must be your own. Copying any portion of another student’s work is plagiarism and is forbidden. Similarly, students who divide up short assignments are cheating. Unless you specifically receive other instructions, students are responsible for answering each question in each short assignment whether they work with others in a group or alone. Please note that your other classes may have different rules for collaboration. Often law professors believe that you should not even discuss an assignment with others and will feel obliged to report you for violating the honor code if you ask for help from a peer. Please don’t assume that my rules apply to your other classes.

PLAGIARISM:
Attached to the hard copy of this syllabus is a handout explaining academic plagiarism. Please sign and return the acknowledgment of notice. Please be careful about attribution when you cut and paste.

Here is UNLV’s official policy on academic dishonesty:

Academic Integrity, Plagiarism, & other Academic Misconduct
Academic integrity is a legitimate concern for every member of the campus community; all share in upholding the fundamental values of honesty, trust, respect, fairness, responsibility, and professionalism. By choosing to join the UNLV community, students accept the expectations of the
UNLV Student Academic Misconduct Policy (see http://studentconduct.unlv.edu/standards/policy.html). In addition to constituting academic misconduct under the UNLV Policy, plagiarism is a violation of the William S. Boyd School of Law Student Honor Code (see http://portal.law.unlv.edu/policy.html) and of the ethical standards of the profession of law. According to the Boyd Student Honor Code, plagiarism is “(a) copying the words or ideas of another and representing them to be one’s own; and (b) copying the words or ideas of another and crediting them to an incorrect source.”

COMPUTER ASSISTED LEGAL RESEARCH (CALR):
You should receive your Westlaw and Lexis password in your computer training during orientation. Each company will offer training sessions for those who are interested will be available later in the semester. These training sessions are not mandatory, but I strongly encourage you to attend.

FORMAT:
All assignments must be word-processed using a professional thirteen-point font that is not Times New Roman. Please take a minute to look at your paper and judge whether it will be easy for me to read with a large enough font and enough
white space. Please paginate and set margins to one inch. Double space and do not use right justification. Some assignments will have word count limits. Please do not go over the word count. The content of the extra words will not offset the points I will deduct for going over. For each major memo assignment, attach a cover sheet that indicates your word count and remember to submit the document electronically so I can verify the word count. This information should appear on the cover sheet: Student name or anonymous number; Pollman 1001 class or Pollman 1003 class. (whichever applies), Date, Title of Assignment, Word Count.

COURT WATCHING:
During the course of the semester, you must observe one hour of court proceedings. (This is a mandatory assignment.) Return the completed court-watching forms not later than the last day of classes for the day students and the first day of second semester for night students. In the back of the syllabus you’ll find more information on where to do your court-watching.

UNLV DISABILITY POLICY:
The UNLV Disability Resource Center (SSC-A 143, http://drc.unlv.edu/, 702-895-0866) provides resources for students with disabilities. If you feel that you have a disability, please make an appointment with a Disabilities Specialist at the DRC to discuss what options may be available to you. If you are registered with the UNLV Disability Resource Center, bring your Academic Accommodation Plan from the DRC to the law school Registrar's office to develop strategies for implementing the accommodations to meet both your needs and the requirements of the course.

UNLV COPYRIGHT AND FAIR USE POLICY:
The University requires all members of the University Community to familiarize them and to follow copyright and fair use requirements. You are individually and solely responsible for violations of copyright or fair use laws. The University will neither protect nor defend you nor assume any responsibility for employee or student violations of fair use laws. Violations of copyright laws could subject you to federal and state civil penalties and criminal liability as well as disciplinary action under University policies. To help familiarize yourself with copyright and fair use policies, the University encourages you to visit its copyright web page at: http://www.unlv.edu/committees/copyright.

UNLV RELIGIOUS HOLIDAYS POLICY:
As a general rule, a student missing a class or laboratory assignment because of observance of a religious holiday shall have the opportunity to make up missed work. Students must notify professors of anticipated absences as soon as possible to be assured of this opportunity.