COURSE OUTLINE

LEST 330 LEGAL WRITING

LAST REVISED BY: Alexander Lesyk

SCHOOL OF BUSINESS AND LIBERAL ARTS
March 2015
LEST 330 LEGAL WRITING

A. **TITLE:** Legal Writing

B. **COURSE NUMBER/SHORT TITLE:** LEST 330/ Legal Writing

C. **CREDIT HOURS:** 3

D. **WRITING INTENSIVE COURSE:** YES

E. **COURSE LENGTH:** 15 weeks

F. **SEMESTER(S) OFFERED:** Fall

G. **HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, ACTIVITY:** Lecture 3 hours per week

H. **CATALOG DESCRIPTION:** Instruction in writing documents commonly used in a legal setting, and in analyzing and citing the sources needed to answer legal questions, including case law, statutes, administrative law, and secondary sources.

I. **PRE-REQUISITES/CO-COURSES:** LEST 310 – Legal Research and either BSAD 200 - Business Communication or ENGL 301 – Professional Writing and Communication, or permission of the instructor.

J. **STUDENT LEARNING OUTCOMES:** Students will be able to:

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<tr>
<th>Course Objective</th>
<th>Institutional SLO</th>
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<td>b. Read and analyze legal materials such as cases and statutes.</td>
<td>1. Communication 2. Crit. Thinking 3. Prof. Competence 4. Inter-Intra Pers. Skills</td>
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<td>c. Apply cases and statutes to a given set of facts.</td>
<td>2. Crit. Thinking 3. Prof. Competence</td>
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<td>e. Cite legal materials in proper legal style.</td>
<td>3. Prof. Competence</td>
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K. TEXT:


L. REFERENCES:


Articles and other resources placed on online course site.

M. EQUIPMENT: Internet Access/Technology Enhanced Classroom

N. GRADING METHOD(P/F,A-F, etc.): A-F

O. MEASUREMENT CRITERIA:
   Attendance/participation, Written Assignments, Quizzes, Final Exam

P. DETAILED TOPICAL OUTLINE:

TOPICS:

I. Review of Basic Writing Principles
   A. Sentence Structure
      1. Complete sentences
      2. Complex vs. simple
      3. Passive vs. active
      4. Clarity of language
   B. Grammar
      1. Spelling
      2. Subject-verb agreement
      3. Commonly misused words
   C. Punctuation
      1. Endmarks
      2. Commas
   D. Proofreading
      1. Importance
      2. Basics
   E. Audience
      1. Definition
      2. Effect on document

II. Business Letters
A. Generally
   1. Format
   2. Audience
   3. Tone
   4. Diction
   5. Purpose

B. Specific types of letters used in a legal setting
   1. Client letters
      a. Representation/non-representation
      b. Opinion letters
      c. Collection letters
   2. Letters to other professionals
      a. Other legal settings
         (1) Attorneys
         (2) Law enforcement agencies
      b. Other professionals generally

III. Legal Citation
A. Review of Bluebook

B. Use of citations generally
   1. To support argument
   2. Within legal profession only

C. Primary authority
   1. Case law
      a. General elements
      b. State case law
      c. Federal case law
      d. Multiple or alternate citations
         (1) Official vs. unofficial reporters
         (2) Parallel citations
   2. Statutes
      a. General elements
      b. State
      c. Federal
   3. Constitutions

D. Secondary authority
   1. Model codes
   2. Uniform laws
   3. Restatements
   4. Books
      a. Generally
      b. Encyclopedias
      c. Dictionaries
   5. Law journal articles

E. Court documents
IV. Reading, Analyzing, and Using Cases
   A. Parties
      1. Plaintiff
      2. Defendant
      3. Appellant
      4. Appellee
      5. Respondent
   B. Parts of a Case
      1. Facts
      2. Issues
      3. Holding
      4. Dicta
      5. Majority opinion
      6. Dissent
      7. Concurrence
      8. Plurality
   C. Briefing cases
   D. Effects of Cases
      1. Precedent
         a. Meaning
         b. Importance
         c. Hierarchy of authority
      2. Distinguishing cases
         a. Meaning
         b. Reasons and importance
      3. Applying law to facts

V. Legal Memoranda
   A. Format
      1. Facts
      2. Questions presented
         a. Reasoning
         b. Organization
      3. Analysis
         a. Organization
         b. Reasoning
         c. Importance
         d. Use of precedent
      4. Conclusion
         a. Importance
         b. Ethical issues for paralegals/legal assistants
      5. Recommendations
         a. Specific questions asked and showings needed
            (1) Issues of fact
            (2) Issues of law
         b. Ethical issues for paralegals/legal assistants
B. Purposes
1. Internal memo
   a. More likely for paralegals
   b. Intended only for information of those within the office or other legal setting
   c. Compares client’s facts to the law
2. External memo
   a. Unlikely for paralegals to write
   b. More persuasive in nature
   c. Intended for those outside the office (e.g. judges)

C. Writing and Legal Memoranda
1. Format
2. Language
   a. Specific diction
   b. Active vs. passive language
   c. Sentence structure
   d. Clarity of writing
3. Organization
4. Audience

VI. Client Interview
A. First point of contact between office and client
B. Purpose
   1. Gather relevant facts
   2. Get a sense of the issue
C. Practice interviews

VII. Pleadings
A. Definition
   1. Writing which begins a civil suit
   2. States elements of a legal claim
B. General format and contents
   1. Must follow state form
   2. Must allege
      a. Specific facts
         (1) jurisdiction
         (2) harm
      b. Cause of action
         (1) Must state elements of the claim
         (2) Must state causation by defendant
   3. Must request appropriate relief
C. Use of language
   1. Diction can help or harm a client’s case
   2. Simplicity and clarity of writing
      Active vs. passive voice, where appropriate