

**STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK**



MASTER SYLLABUS

LEGAL WRITING

LEST 330

Last Updated by: Jondavid DeLong

**SCHOOL OF BUSINESS AND LIBERAL ARTS
BUSINESS
SPRING 2019**

- A. **TITLE: LEGAL WRITING**
- B. **COURSE NUMBER: LEST 330**
- C. **CREDIT HOURS: 3**
- D. **WRITING INTENSIVE COURSE: YES**
- E. **GER CATEGORY: NONE**
- F. **SEMESTER(S) OFFERED: FALL**
- G. **COURSE 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.

H. **PRE-REQUISITES/CO-REQUISITES:**

a. Pre-requisite(s): LEST 310 – Legal Research and BSAD 200 - Business Communication or ENGL 301 – Professional Writing and Communication, or permission of the instructor

b. Co-requisite(s): NONE

I. **STUDENT LEARNING OUTCOMES:**

| <u>Course Student Learning Outcome [SLO]</u> | <u>PSLO</u> | <u>GER</u> | <u>ISLO</u> |
|--|---|-------------------|---|
| a. Create legal documents such as client letters, memoranda of law, and pleadings. | <p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand the impact of existing and emerging technologies on the legal system.</p> <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as</p> | | <p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Written [W]</p> |

| | | | |
|---|--|--|---|
| | <p>(but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p> | | <p>Critical Thinking <i>Critical Analysis</i> [CA]</p> |
| <p>b. Read and analyze legal materials such as cases and statutes.</p> | <p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> | | <p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Written [W]</p> |

| | | | |
|---|---|--|---|
| | <p>Understand the impact of existing and emerging technologies on the legal system.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p> | | <p>Critical Thinking <i>Critical Analysis</i> [CA]</p> |
| <p>c. Apply cases and statutes to a given set of facts.</p> | <p>Demonstrate ability to effectively and professionally communicate in writing.</p> | | <p>Industry, Professional, Discipline Specific Knowledge and Skills.</p> |

Demonstrate ability to effectively and professionally communicate orally.

Understand and articulate the role of common law in the American legal system, including concepts of mandatory (*stare decisis*) and persuasive authority.

Understand the impact of existing and emerging technologies on the legal system.

Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:

- Negligence and Intentional Torts
- Family Law
- Real Property
- Immigration Law and Border Control
- Wills, Estates and Trusts
- Environmental Law
- American Indian Law and Fed. Policy
- Trial Courts and Rules of Evidence

Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family

Communication Skills

Written [W]

Critical Thinking

Critical Analysis
[CA]

| | | | |
|--|--|--|---|
| | <p>relationships, immigration, real estate, the environment and wills and estates.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p> | | |
| <p>d. Conduct client interviews and identify salient facts.</p> | <p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Understand and explain the structure and functions of the American legal system, including the interplay of</p> | | <p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Oral [O], Written [W]</p> |

constitutions, statutes, common law and administrative law.

Understand and explain the roles of judges, attorneys, mediators, legal assistants, and others who act within the legal system.

Understand and explain the jurisdictional requirements of federal and state courts

Understand and articulate the role of common law in the American legal system, including concepts of mandatory (*stare decisis*) and persuasive authority.

Identify the ethical implications inherent in a particular situation, and evaluate the particular course of action to be taken in the face of countervailing pressures.

Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:

- Negligence and Intentional Torts
- Family Law

Critical Thinking
Critical Analysis
[CA]

| | | | |
|---|--|--|--|
| | <ul style="list-style-type: none"> • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p> | | |
| <p>e. Cite legal materials in proper legal style.</p> | <p>Demonstrate ability to effectively and professionally communicate in writing.</p> | | <p>Industry, Professional, Discipline Specific Knowledge and Skills</p> |

| | | | |
|--|---|--|--|
| | <p>Understand the impact of existing and emerging technologies on the legal system.</p> <p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Evaluate the credibility, reliability or relevance of legal authority to determine whether and how it applies to the legal issues.</p> <p>Create both objective and persuasive legal documents of varying complexity including client letters, memoranda of law, pleadings, and briefs while properly citing both print and electronic sources of law.</p> | | <p>Communication Skills Written [W]</p> |
|--|---|--|--|

| | |
|---------------|--|
| KEY | <u>Institutional Student Learning Outcomes [ISLO 1 – 5]</u> |
| ISLO # | ISLO & Subsets |
| 1 | Communication Skills Oral [O], Written [W] |
| 2 | Critical Thinking <i>Critical Analysis [CA] , Inquiry & Analysis [IA] , Problem Solving [PS]</i> |
| 3 | Foundational Skills <i>Information Management [IM], Quantitative Lit./Reasoning [QTR]</i> |
| 4 | Social Responsibility |

| | |
|---|---|
| | <i>Ethical Reasoning [ER], Global Learning [GL], Intercultural Knowledge [IK], Teamwork [T]</i> |
| 5 | Industry, Professional, Discipline Specific Knowledge and Skills |

J. **APPLIED LEARNING COMPONENT:** Yes ___X___ No _____

K. **TEXTS:** Bast, Carol M., & Hawkins, Margie, *Foundations of Legal Research & Writing*, 5th ed., Thomson Delmar Learning, (2013). ISBN# 9781133278290

L. **REFERENCES:** Articles of current interest and other resources placed on the course online learning site.

M. **EQUIPMENT:** Technology Enhanced Classroom.

N. **GRADING METHOD:** A-F

O. **SUGGESTED MEASUREMENT CRITERIA/METHODS:** Participation, in-class exams, final exam, and assignments.

P. **DETAILED COURSE OUTLINE:**

- 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

Q. LABORATORY OUTLINE: N/A