

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



**MASTER SYLLABUS**

**ADVANCED LEGAL WRITING**

**LEST 449**

**Last Updated by: Jondavid DeLong**

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

A. **TITLE: ADVANCED LEGAL WRITING**

B. **COURSE NUMBER: LEST 449**

C. **CREDIT HOURS: 3**

D. **WRITING INTENSIVE COURSE: YES**

E. **GER CATEGORY: NONE**

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

G. **COURSE DESCRIPTION:**

Builds on skills acquired in Legal Writing to prepare students for writing more complex types of legal documents. Students will analyze, cite, and find 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 330 Legal Writing, or permission of instructor
- b. Co-requisite(s): NONE

I. **STUDENT LEARNING OUTCOMES:**

<b><u>Course Student Learning Outcome [SLO]</u></b>	<b><u>PSLO</u></b>	<b><u>GER</u></b>	<b><u>ISLO</u></b>
<b>a.</b> Create legal documents such as responses to pleadings, appellate briefs, and basic contracts, wills, and similar documents.	Demonstrate ability to effectively and professionally communicate in writing.  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 the impact of existing and emerging		<b>Industry, Professional, Discipline Specific Knowledge and Skills</b>  <b>Communication Skills</b> Written [W]  <b>Critical Thinking</b> <i>Critical Analysis [CA]</i>

	<p>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 (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p>		
<p><b>b.</b> Find the laws that apply in a given area.</p>	<p>Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes, common law and administrative law.</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 the impact of existing and emerging technologies on the legal system.</p>		<p><b>Industry, Professional, Discipline Specific Knowledge and Skills</b></p>
<p><b>c.</b> Apply cases and statutes to a given set of facts.</p>	<p>Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes,</p>		<p><b>Industry, Professional, Discipline Specific Knowledge and Skills.</b></p>

	<p>common law and administrative law.</p> <p>Understand and explain the roles of judges, attorneys, mediators, legal assistants, and others who act within 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>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.</p> <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><b>Critical Thinking</b>  <i>Critical Analysis</i>  [CA]</p>
<p><b>d.</b> Conduct client interviews and identify salient facts.</p>	<p>Demonstrate ability to effectively and</p>		<p><b>Industry, Professional, Discipline Specific</b></p>

	<p>professionally communicate orally.</p> <p>Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes, common law and administrative law.</p> <p>Understand and explain the roles of judges, attorneys, mediators, legal assistants, and others who act within the legal system.</p> <p>Understand and explain the jurisdictional requirements of federal and state courts.</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>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.</p>		<p><b>Knowledge and Skills</b></p> <p><b>Communication Skills</b> Oral [O]</p> <p><b>Critical Thinking</b> <i>Critical Analysis [CA]</i></p>
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	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.		
e. Cite legal materials in proper legal style.	Demonstrate ability to effectively and professionally communicate in writing.		<b>Industry, Professional, Discipline Specific Knowledge and Skills</b>

KEY	<b><u>Institutional Student Learning Outcomes [ISLO 1 – 5]</u></b>
ISLO #	ISLO & Subsets
1	<b>Communication Skills</b> Oral [O], Written [W]
2	<b>Critical Thinking</b> <i>Critical Analysis [CA], Inquiry &amp; Analysis [IA], Problem Solving [PS]</i>
3	<b>Foundational Skills</b> <i>Information Management [IM], Quantitative Lit./Reasoning [QTR]</i>
4	<b>Social Responsibility</b> <i>Ethical Reasoning [ER], Global Learning [GL], Intercultural Knowledge [IK], Teamwork [T]</i>
5	<b>Industry, Professional, Discipline Specific Knowledge and Skills</b>

J. **APPLIED LEARNING COMPONENT:** Yes \_\_\_X\_\_\_ No \_\_\_\_\_

K. **TEXTS:** Beyond The Basics: A Text for Advanced Legal Writing, 3rd Ed. Thomson – West, Mary Barnard Ray and Barbara J. Cox, ISBN# 9780314271662

Legal Writing: Getting It Right and Getting It Written, 5th Ed. Thomson – West, Mary Barnard Ray and Jill J. Ramsfield, ISBN# 9780314262776

**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. Citations (review)

A. Generally

1. Elements
2. Use

B. Primary Authority

1. Cases
2. Statutes

C. Secondary Authority

1. Legal journals
2. Restatements
3. Model codes
4. Treatises
5. Books
  - a. Dictionaries
  - b. Legal encyclopedias

II. Pleadings (review)

A. Format

B. Purpose

C. Elements

D. Audience

E. Diction

III. Responses to Complaints

A. Generally

1. Definition
2. Purpose
3. Format
4. Audience
5. Contents

B. Drafting

1. Legal argument
2. Quotation from complaint
3. Legal authority
4. Language
  - a. Diction
  - b. Tone

- IV. Appellate Briefs
  - A. Generally
    - 1. Function
      - a. Raise issues of law
      - b. Rarely cover issues of fact
    - 2. Audience
    - 3. Format
    - 4. Type of writing
      - a. Persuasive
      - b. Authority-based
  - B. Drafting
    - 1. Quotation
    - 2. Citation of authorities
    - 3. Table of authorities
      - a. Purpose
      - b. Format
      - c. Diction

- V. Contracts
  - A. Generally
    - 1. Definition
    - 2. Function
  - B. Drafting
    - 1. Language
    - 2. Specific requirements
      - a. Consideration
      - b. Enforceability
    - 3. Common problems

- VI. Wills
  - A. Generally
    - 1. Definition
    - 2. Function
  - B. Drafting
    - 1. Language
    - 2. Validity
    - 3. Specific requirements
    - 4. Common problems

- VII. Family Law Documents
  - A. Prenuptial agreements
    - 1. Definition
    - 2. Function
      - 1.
      - 2.
      - 3.
    - 3. Drafting
      - a. Specific requirements
      - b. Common problems
      - c. Validity
  - B. Dissolutions
    - 1. Definition
    - 2. Function



3. Drafting
  - a. Specific requirements
  - b. Common problems
  - c. Validity

Q. **LABORATORY OUTLINE:** N/A