United States Legal Research, Analysis, and Writing  
Fall, 2016  

Instructor: Sam Hall, Trial Attorney  
Department of Justice  
Civil Rights Division  

Time and Place: Thursdays, from 5:45pm – 7:45pm, in 1008 Hotung Hall  

Course Description and Purpose:  

This course is meant to give you the tools to hit the ground running on your first day at a firm or organization that practices the law of the United States. We will focus on three areas: (1) the US legal systems (including US statutory, regulatory, and common law at the state and federal level); (2) how to approach a legal question (including legal resources and analytical methods); and (3) writing persuasive legal memoranda (including the form of a formal memo, as well as writing methods and proper attribution of arguments). As a workshop/seminar, the course requires several short writing assignments, a final memo, and – equally as important – open and frequent class discussion.  

Please note that I may revise this syllabus depending on any feedback I receive during the semester.  

Grading:  

This class is worth two credits and is graded on a Fail/Pass/High Pass scale. A High Pass requires active class participation and an excellent final writing assignment, including a commitment to editing and revising earlier drafts. There are 100 points in total and they are broken downs as follows:  

- Class Participation: 10 points  
- Case Brief: 10 points  
- Memo to File: 10 points  
- Presentation to “Partner”: 10 points  
- Legal Memorandum: 60 points  

*Class attendance is required to pass. Class assignments should be turned in at the beginning of class on the day they are due. Please submit them by email.
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Office Hours: I do not maintain regular office hours, but please feel free to reach out to me by email whenever you have questions. If I can’t adequately answer your question/concern by email, we can arrange a time to meet and discuss.

Laptops: Feel free to bring in laptops. That said, I was once a law school student with a laptop and I remember how easy it is to start surfing the web. Beware: I can recognize that glassy-eyed look on my students when they are zoning me out. That’s my preferred time to start cold-calling.

Course Text: I will be assigning passages from the following textbook:


I apologize. The book is long and expensive. There are used versions of the 6th Edition available on Amazon, and the 5th Edition will probably work just fine. I will not be assigning the entire book, but I do think the whole book will be a useful reference for you long after the course is over. I recommend leafing through all the chapters to get a sense of everything it has to offer. Finally, there are quizzes and exercises within the readings assigned below, but you should consider them optional – i.e. do them if you want some practice, but they are not necessary.

The rest of the reading assignments will be cases or articles available on WestLaw, as well as a few excerpts from various texts that I will provide to you.

Course Announcements: Course materials, announcements, and submission of assignments rely heavily on email and Westlaw. Use your Westlaw credentials to log-in to the website at www.lawschool.westlaw.com.

Class 1) Introduction to the Class – Thursday, September 1, 2016
   a. Come prepared to talk about what you want to get out of the class

Class 2) The US Legal Systems – Thursday, September 8, 2016
   a. Reading:
      i. Oates et al., Chapter 2
      ii. *Erie R. Co. v. Tompkins*, 304 U.S. 64 (1938)

Class 3) Client Interview and Legal Research (including legal resources and analytical methods) – Thursday, September 15, 2016
   a. Reading:
      i. Oates et al., Chapter 5
      ii. Oates et al., Chapter 7 (read only 7.1-7.2)
      iii. Oates et al., Chapter 8
      iv. Oates et al., Chapter 9 (stop at 9.3)
   b. Assignment:
Class 4) How to Read and Brief a Case (including how to make an evaluate common law arguments) – Thursday, September 22, 2016

a. Reading:
   i. Oates et al., Chapter 3
   ii. “The Fifth Amendment Can & Will Be Used Against You In a (Federal) Court of Law,” David A. Battaglia and Vanessa C. Adriance (available through a Google search)
   iii. Find and read the following cases on Weslaw or Lexis:
      i. *Brink’s Inc. v. City of New York*, 717 F.2d 700 (2d Cir. 1983)
      ii. *LiButti v. United States*, 107 F.3d 110 (2d Cir. 1997)

b. Assignment:

Class 5) How to Read and Brief a Case (Cont.) – Thursday, September 29, 2016

a. Reading:
   i. *In re WorldCom, Inc.*, 377 B.R. 77 (Bankr. S.D.N.Y. 2007)

Class 6) The Legal Memo – Thursday, October 6, 2016

a. Reading:
   i. Oates et al., Chapter 1 (read up to p.10, and then Section 1.5.5)
   ii. Oates et al., Chapter 11
   iii. Oates et al., Chapter 12 (read only up to 12.10)

Class 7) The Legal Memo (Cont.) – Thursday, October 13, 2016

a. Reading:
   i. Oates et al., Chapter 14

Class 9) The Legal Memo (Cont.) – Thursday, October 20, 2016

a. Reading:
   i. Oates et al., Chapter 15 (read up to p.271; optional: p.271-281)

Class 8) Presentations to Partner – Thursday, October 27, 2016

a. Reading:
   i. Oates et al., Chapter 15 (this chapter deals with oral arguments in front of a judicial body, but many of the tips and techniques will serve you well for a presentation in front of a partner)
ii. Find and read two additional, relevant cases for the section of the partner presentation you are responsible for and incorporate the cases into your presentation

   a. Reading:
      i. Oates and Enquist Text, Chapter 10
      ii. Oates and Enquist Text, Chapter 12 (only read 12.10, 12.20.5 and 12.20.6)
      iii. Oates and Enquist Text, Chapter 20 (only read 20.1-20.2; 20.3)
      iv. Oates and Enquist Text, Chapter 21
      v. Blue Book cheat sheet (I will provide this in an email)

   a. Reading:
      i. Sample briefs that I will provide by email

Class 12) Rough Draft Conferences – Thursday, November 10, 2016
   b. Assignment:
      i. Send me a detailed outline of your final memo by Friday, November 3. This draft will be used for our rough draft conference on November 10, 2016

Class 13) Rough Draft Conferences – Thursday, December 1, 2016
   a. Assignment:
      i. Send me the second draft of your memo by Friday, November 25. This will be used for your rough draft conference on December 1, 2016
      ii. Final memo is due December 16, 2016