

13-182  
UWUCC: AP-4/1/14  
Senate Info. - 4/29/14

### Undergraduate Distance Education Review Form

(Required for all courses taught by distance education for more than one-third of teaching contact hours.)

#### Existing and Special Topics Course

Course: English 227 Introduction to Legal Writing

Instructor(s) of Record: Tim Hibsman

Phone: 724-357-2261 Email: Thibsman@iup.edu

#### Step Two: Departmental/Dean Approval

Recommendation:  Positive (The objectives of this course can be met via distance education)

Negative

[Signature] 1-3-14  
Signature of Department Designee Date

Endorsed:

[Signature] 3/12/14  
Signature of College Dean Date

Forward form and supporting materials to Liberal Studies Office for consideration by the University-wide Undergraduate Curriculum Committee. Dual-level courses also require review by the University-wide Graduate Committee for graduate-level section.

#### Step Three: University-wide Undergraduate Curriculum Committee Approval

Recommendation:  Positive (The objectives of this course can be met via distance education)

Negative

[Signature] 4/21/14  
Signature of Committee Co-Chair Date

Forward form and supporting materials to the Provost within 30 calendar days after received by committee.

#### Step Four: Provost Approval

Approved as distance education course  Rejected as distance education course

[Signature] 5/1/14  
Signature of Provost Date

Forward form and supporting materials to Associate Provost.

Received

APR 28 2014

Received

APR 21 2014

Received

MAR 13 2014

Liberal Studies

Table of Contents

<b>Narrative Rationale A1-A5.....</b>	<b>3</b>
<b>Online Syllabus.....</b>	<b>8</b>
<b>Sample Modules.....</b>	<b>17</b>
<b>Mini-Lecture: Promissory Notes .....</b>	<b>17</b>
<b>Memorandum on Social Host Liability .....</b>	<b>24</b>
<b>Contract Writing .....</b>	<b>26</b>
<b>Writing a Will.....</b>	<b>29</b>
<b>Grading Rubric—Brief .....</b>	<b>35</b>
<b>Grading Rubric—Appellate Brief.....</b>	<b>38</b>

Narrative Rationale for Items A1-A5

**1. How is/are the instructor(s) qualified in the distance education delivery method as well as the discipline?**

Dr. Hibsman received his doctorate in Educational Technology and has regularly has used D2L in all the courses taught at IUP. Prior to coming to IUP, Dr. Hibsman worked over eight years teaching and developing online courses as part of his full-time course load for undergraduate and graduate programs using various educational website platforms (D2L, Moodle, Blackboard, and ECollege). At IUP Dr. Hibsman participated in the Designing Your First Online Course: the Basics, Plus workshop offered in December 2011 by David Porter, Online Learning Specialist from the Office of Distance and Continuing Education. Dr. Hibsman has team-taught a legal writing course at his last campus. He was a technical writing specialist for 15 years with experience in corporate legal writing. There are several professors in the department who have worked in legal offices in the past, that have expressed an interest in guest lecturing and possibly teaching the course in the future. Dr. Hibsman is currently the Co-Coordinator of the Pre-Law Track in English.

**2. How will each objective in the course be met using distance education technologies?**

ENGL-227 Introduction to Legal Writing focuses on helping the student to acquire and to apply communication skills essential to effective communication in the legal environment.

The emphasis in this course is on learning to plan and produce effective professional and legal documents that address a specific audience, use appropriate language and terminology in clear sentences, employ conventional formats and organization, imply a tone appropriate to the author's purpose and intended audience, meet workplace standards of grammar and punctuation, and incorporate engaging visual aids.

Catalog Description: Introduces legal research and writing. Students learn to prepare research memos, memoranda of law, legal briefs, court observation essays and other legal documents. Other course topics include legal terminology, audience analysis, and case study analysis.

How each course objective will be met via distance education technologies is summarized below:

1. Read, compare and contrast, and analyze documents used in the legal field.

Students will be introduced by chapter reading and audio lecture to demographic breakdowns and other characteristics so they may address a specific audience and try to understand their reaction

to and acceptance of a document. Students will get reading assignments from lesson modules in D2L and participate in the discussion forums that will provide students an opportunity to practice writing plain, objective language in concise sentences. They will also have to imply a tone appropriate to the author's goal, idea, and audience. In all their online postings, assignments, and projects they will have to incorporate correct grammar, punctuation, and spelling. Students will be evaluated using D2L discussion forum, D2L quizzes, and short writing assignments submitted by email or to the D2L Dropbox.

2. Use research skills to identify and evaluate both databases and documents necessary for the creation of legal documents and implement proper format and citation.

Students will have to research and analyze different examples and case studies for form, style, voice, and organization from online case studies posted as attachments in the Content section of D2L. Standard formats will be posted on the website, as well as, demonstrated in the textbook. Students will share deviations to the standard format in the discussion area of D2L.

3. Recognize and evaluate the ethical challenges, current law practices and technology applications as they concern multiple genres of legal writing.

Students will have to determine whether they have an internal or external audience and decide on the best format and organization. Students will be provided a scenario where they will have to construct a brief analytical or IRAC report. Once they have completed and submitted their report they will be given one or more examples of other similar reports where they will have to assess the pros and cons of each one. Students will also have to work on a group work plan, library research, visual aids and style sheets that are relevant to their individual or online group activities in an asynchronous online environment. They will have to communicate with other students regarding the ethical challenges via the Group Forums posted in the Discussion section of D2L. At various times throughout the session students will have to submit a progress report to the instructor (or team members in their collaborative groups) stating the status of their project.

4. Write memos, memoranda of law, basic legal briefs, observation essay, and other typical legal documents.

Students will create a series of professional legal documents based on scenarios and cases studies presented throughout the course. Furthermore, they will have to present and discuss their projects with other students in the online discussion area. After they have discussed their papers and received some critical analysis, they will have to revise their document prior to placing it in their final portfolio.

### **3. How will instructor-student and student-student, if applicable, interaction take place?**

A variety of formal and informal interactions will be built into the course for the purposes of feedback and evaluation. As part of all modules, students will be expected to participate in threaded discussions regarding course content. Furthermore, student will have to collaborate with other group members and then document and present their interaction and group project

to the instructor. The instructor's role in these discussions is to provide feedback to the students, to clarify information, to correct false assumptions, and to provide additional guidance in understanding the course content. The instructor will also assist students in preparing class projects that evaluate student ability to apply the skills learned in this course. Additional teacher-student interactions will take place via e-mail, using Wimba, telephone and online office hours as needed.

Students will interact with one another through the threaded discussion forums and course e-mail. Within the discussion forum a specific topic is usually set aside for informal student interactions to discuss topic off topic, but to still build relationships and communication skills.

#### **4. How will student achievement be evaluated?**

Assignment and class participation – 80%: Students will complete ten short writing assignments throughout the course at the completion of certain modules. Writing assignments are designed to assess their understanding of the course content. Students will be assigned points based on their ability to connect the information presented in the course to their case studies and scenario projects. Student discussion posts will complement their assignment and provide them differing views on how to complete the assignment using different type of organization and focusing on differing aspects of the assignment (such a graphics).

Online Collaborative – 5%: This is part of their assignment grade above: Students will post the majority of their assignments to a group discussion. Detailed descriptions and directions for the assignment will be provided on the D2L course page. Student discussion posts will complement their assignment and provide them differing views on how to complete the assignment. They must evaluate and critically analyze other student papers. Then they must take the remarks made to their papers and revise the assignment before placing it in their portfolio.

Online Quizzes – 5%: Each week there will be a quiz based on key topics, terms, and vocabulary mentioned in our chapter readings. Knowledge and understanding of these concepts will also be necessary to complete several of the assignment.

Career Portfolio– 10%: The career portfolio will contain electronic versions of their revised memos, reports, contracts, etc. Student discussion posts will complement their assignment and provide them differing views on how to complete the assignment.

#### **5. How will academic honesty for tests and assignments be addressed?**

Academic integrity will be maintained using a variety of methods. These methods include the use of informal writing assignments (to establish a norm) and testing controls available in D2L. Additionally, students will be informed of policies pertaining to academic integrity and expected to agree to a statement regarding course policies to assure their understanding. The following statement will be included among the course policies in the course syllabus:

*Academic Integrity Policy*

*Indiana University of Pennsylvania expects a full commitment to academic integrity from each student. This syllabus represents a contract between you and the instructor of this course and that you agree to follow the rules and expectations set up therein. The following instances are considered violations of academic integrity:*

- *Providing or receiving unauthorized assistance in coursework, including papers, quizzes, and examinations.*
- *Using unauthorized materials and resources during quizzes and tests.*
- *Possessing course examination materials without the prior knowledge of the instructor.*
- *Plagiarizing which is the use of papers, dissertations essays, reports, speeches and oral presentations, take-home examinations, computer projects, and other academic exercises or the passing off of ideas or facts beyond common knowledge with attribution to their originators.*
- *Engaging behaviors that are disruptive or threatening to others.*
- *Using computer technology in any way other than for the purposes intended for the course.*

*Please note that IUP faculty use a variety of technologies and techniques to check the authenticity of student work. Violations of academic integrity will be handled per IUP's Academic Integrity Policy and Procedures. Failure to comply with the policies and procedures may result in a decrease in grade, involuntary withdrawal from an academic program, suspension, expulsion, or rescission of a conferred degree. IUP's "Academic Integrity Policy and Procedures" are available in the Undergraduate Catalog, which is available at <http://www.iup.edu/registrar/catalog/>.*

The methods to be employed for each type of assessment are included below.

**Quizzes**—Quizzes will make extensive use of D2L testing control features, including a secure test window, timed tests, limited test availability, one questions delivered at a time, randomized questions. The quizzes also include the academic integrity policy and an outline of the procedure for taking online quizzes.

**Commitment to Course Policies**—Students will be required to certify through the completion of a D2L quiz that they have read and understand the policies and procedures set out in the course syllabus. The instructor will monitor the scores to identify students who may not understand or be in agreement. The commitment statement is included below:

*I understand that the syllabus represents a contract between the professor of this course and myself. I have read the syllabus for Engl-227: Introduction to Legal Writing and understand my expectations and the course policies, including those regarding grading, course participation, and academic integrity. I also understand that the professor has the right to*

*alter the syllabus as dictated by the needs of the course. By committing to this statement, I affirm that I understand the course rules and policies and that I have been given the opportunity to ask questions.*

- a. I commit to the course policies and expectations outlined in the syllabus.*
- b. I DO NOT COMMIT to the course policies and expectations outlined in the syllabus.*

**Introductory Writing Assignment**—At the onset of the course, students will be required to introduce themselves, tell what discipline they are studying, what they know about technical writing, why they chose this course, and what courses, if any, they have taken online. If desired, students may also include a photograph in their discussion posts by using the attachment feature. This informal assignment will be used as a baseline writing sample to which to compare student written work through the remainder of the course for the purposes of detecting potential plagiarism and academic dishonesty.

## Syllabus

Tim Hibsman, Professor

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Welcome to Introduction to Legal Writing

### I. Catalog Description

ENGL 227 Introduction to Legal Writing

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Prerequisite: ENGL 202

Introduces legal research and writing. Students learn to prepare research memos, memoranda of law, legal briefs, court observation essays and other legal documents. Other course topics include legal terminology, audience analysis, and case study analysis.

### II. Course Outcomes

Upon completion of the course, the student will be able to

1. Identify a beginning understanding in reading, navigating, understanding, and analyzing of documents in the legal field.
2. Interpret and demonstrate research skills in finding necessary information for legal documents. Must also implement proper format and citation.
3. Analyze and use research skills in finding and citing necessary information for legal documents, such as, ethical challenges, current law practices and technology applications.
4. Demonstrate an ability to write and format memos, memoranda of law, basic legal briefs, observation essay, and other legal documents.



## III. Course Outline

Week	Chapter Readings	Topics/Assignments
1	Chapter 1	<p>Sources of the Law            Persuasive rhetoric and applications            Exercises:</p> <ul style="list-style-type: none"> <li>➤ Key terms               <ul style="list-style-type: none"> <li>▪ Appellate courts</li> <li>▪ Precedential value</li> <li>▪ Parallel citation</li> <li>▪ Mandatory authority</li> <li>▪ Slip opinion</li> <li>▪ Looseleaf service</li> <li>▪ Annotated codes</li> <li>▪ Legislative history</li> <li>▪ Hornbooks</li> <li>▪ Treatise</li> <li>▪ Nutshell</li> <li>▪ Law reviews</li> <li>▪ Etc.</li> </ul> </li> <li>➤ Checking legal sources in the IUP library</li> </ul>
2	Chapter 2	<p>Legal Research Finding Tools            Exercises:</p> <ul style="list-style-type: none"> <li>➤ Defining key terms               <ul style="list-style-type: none"> <li>▪ Key number system</li> <li>▪ Headnote</li> <li>▪ Table of cases</li> <li>▪ Defendant/plaintiff table</li> <li>▪ Pocket parts</li> <li>▪ Shepardizing</li> <li>▪ KeyCite</li> <li>▪ Query</li> <li>▪ Lexis</li> <li>▪ Westlaw</li> <li>▪ Westclip</li> <li>▪ Alert</li> <li>▪ Etc.</li> </ul> </li> <li>➤ Finding cases:               <ul style="list-style-type: none"> <li>• <i>Parker v. Twentieth Century-Fox Film Corp</i></li> <li>• <i>Chaps v. Garcia</i>, 848 S. W.2d 667</li> </ul> </li> </ul>
3	Chapter 3	<p>The Case Brief            Exercises:</p> <ul style="list-style-type: none"> <li>➤ Defining chapter terms               <ul style="list-style-type: none"> <li>▪ Case brief</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>▪ Star-paging</li> <li>▪ Docket number</li> <li>▪ Affirmed</li> <li>▪ Reversed</li> <li>▪ Remanded</li> <li>▪ Vacated</li> <li>▪ Per curiam decision</li> <li>▪ En banc decision</li> <li>▪ Concurring opinion</li> <li>▪ Dissenting opinion</li> <li>▪ Issue</li> <li>▪ Facts</li> <li>▪ Material fact</li> <li>▪ Order Numc Pro Tunc</li> <li>▪ Etc.</li> </ul> <p>➤ See review questions in Discussion Threads</p>
4	Chapter 4	<p><b>Introduction to Legal Writing</b></p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Promissory note analysis</li> <li>➤ Identify all constraints and legal requirements for a state's appellate brief. Study Figure 4.1 Document Requirements of the U.S. Supreme Court and First Circuit Court of Appeals for basic preparation guidelines.</li> </ul>
5	Chapter 5	<p><b>The Mechanics of Construction</b></p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Revise job client's document</li> <li>➤ Editing and revising handout</li> </ul>
6	Chapter 6	<p><b>Effective and Persuasive Legal Writing</b></p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Define key chapter terms <ul style="list-style-type: none"> <li>▪ Brevity</li> <li>▪ Precision</li> <li>▪ Flow</li> <li>▪ Rhythm</li> <li>▪ Parallel construction</li> <li>▪ Ambiguity</li> <li>▪ Colloquialisms</li> <li>▪ Legal jargon</li> <li>▪ Redundancy</li> <li>▪ Verbosity</li> <li>▪ Cumulative sentences</li> <li>▪ Etc.</li> </ul> </li> <li>➤ Revise the passage from <i>Cooley v. Board of Wardens (1851)</i></li> </ul>
		<b>Citations in Legal Writing</b>

7	Chapter 7	<b>Exercises:</b> <ul style="list-style-type: none"> <li>➤ Cite the cases in proper format</li> <li>➤ Identify the signals used in the passages</li> <li>➤ Analyze the following case: Hypothetical 7-3 on page 183</li> </ul>
8	Chapter 8	<b>The Basics of Legal Correspondence</b> <b>Exercises:</b> <ul style="list-style-type: none"> <li>➤ Purpose of a demand letter</li> <li>➤ Purpose of a client opinion letter</li> <li>➤ Write letter for customer</li> </ul>
9	Chapter 9	<b>The Internal Office Memorandum</b> <b>Exercises:</b> <ul style="list-style-type: none"> <li>➤ New client interview</li> <li>➤ IRAC (Issue, Reasons, Action, Conclusion) reports</li> </ul>
10	Chapter 10	<b>The Basics of Pleadings</b> <b>Exercises:</b> <ul style="list-style-type: none"> <li>➤ Review of basic definitions <ul style="list-style-type: none"> <li>▪ Pleadings</li> <li>▪ Counterclaim</li> <li>▪ Cross-claim lawsuit</li> <li>▪ Fact pleading</li> <li>▪ Allegations</li> <li>▪ Equitable relief</li> <li>▪ Prayer for relief</li> <li>▪ Verification</li> <li>▪ Summons</li> <li>▪ Affirmative defenses</li> <li>▪ Compulsory counterclaim</li> <li>▪ Permissive counterclaim</li> <li>▪ Motion for More Definite Statement</li> <li>▪ Motion to Dismiss</li> <li>▪ Amended Pleading</li> <li>▪ Supplemental Pleading</li> <li>▪ Etc.</li> </ul> </li> <li>➤ Difference between fact pleading and notice pleading</li> <li>➤ Difference between counterclaim and cross-claim</li> </ul>
11	Chapter 11	<b>Discovery</b> <b>Exercises:</b> <ul style="list-style-type: none"> <li>➤ Prepare discovery request</li> <li>➤ Review rules of procedure of applicable bounds of discovery.</li> <li>➤ Analyze client's position (Details provided in lecture.)</li> </ul>
12	Chapter 12	<b>The Memorandum of Law to the Trial Court</b> <b>Exercises:</b>

		<ul style="list-style-type: none"> <li>➤ Identify significant facts, and present them in a manner that minimizes the opposition's strong points and paints a memorable picture of your client's position.</li> <li>➤ Case study analysis (Details provided in lecture.)</li> </ul>
13	Handouts Chapter 13	<p>The Appellate Brief Wills and Last testaments</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Prepare a motion</li> <li>➤ Determine timetables</li> <li>➤ Case study analysis</li> <li>➤ Rewrite Henderson file. (Copy of case file will be distributed in class.)</li> </ul>
14	Handouts	<p>Contracts</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Case study analysis</li> <li>➤ Rewrite Andersen file (Copy of scenario will be distributed in class.)</li> </ul>
15	Review .pdf handouts	<p>Final portfolio organization</p> <p>Students will construct a title page, table of contents of writing assignments (chosen by students) with detailed breakdown of key concepts displayed in each writing example.</p> <p>Portfolio presentation</p>
16	Review of all Chapters	Final Exam

**IV. Evaluation Methods**

Assignment Titles		
Daily reports/memos	<ul style="list-style-type: none"> <li>➤ Letters: demand</li> </ul>	

<ul style="list-style-type: none"> <li>➤ Legal briefs and report</li> <li>➤ IRAC report</li> <li>➤ Contracts and agreements</li> <li>➤ Incident report</li> <li>➤ Case study analysis</li> <li>➤ Promissory notes</li> <li>➤ Analysis of state's appellate brief</li> </ul>	<ul style="list-style-type: none"> <li>letter, client opinion letter, etc.</li> <li>➤ Counter-claim, cross claim analysis</li> <li>➤ Discovery request report</li> <li>➤ Preparing a motion and a timetable</li> <li>➤ Editing and revising scenario</li> <li>➤ Etc.</li> </ul>	80%
Vocabulary Review and definitions—through online quizzes		5%
Online Collaborative		5%
Course Portfolio		10%
Total		100%

### LEGAL WRITING STYLE RULES

Papers must comply with the following requirements:

**PAPER:** 8 ½ by 11 inches, white

**ELECTRONIC:** Final paper must be submitted in hard copy and electronic copy, by disk or email attachment. Please submit electronic copy in WordPerfect (.wpd) or Word (.doc) format.

**MARGINS:** One inch margins on all four sides (left, right, top and bottom). If you are following the rules here you should not be able to get more than 25 lines of text on any page.

**TYPEFACE:** Courier New 12 point.

**FORMATTING:** Double-spaced, except that headings must be single-spaced, and block quotations must be single-spaced and indented from the left margin. The first word of each

paragraph must be indented five spaces. Papers must be justified on the left only; do not use full justification. Authority and explanatory material should be

provided in the text; do not use footnotes or endnotes.

**CITATION:** *The Bluebook: A Uniform System of Citation* (17th ed. 2000).

**BINDING:** Staple in the upper left hand corner. Do not use binder clips or paper clips.

**IDENTIFICATION:** You must put your name in the upper right hand corner of the first page

**PAGE LIMITS:** Page limits will vary with each assignment. There will be a penalty for exceeding the page limit AND I will not read any material that exceeds the page limit.

**PAGE NUMBERING:** Starting with the second page of the text, you must put page numbers at the bottom center of each page.

#### **V. Sample Grading Scale**

The final grade for this course will be determined as follows:

A = 90-100%

B = 80-89.9%

C = 70-79.9%

D = 60-69.9%

F < 60%

#### **VI. Course Attendance Policy**

The attendance policy will conform to IUP's undergraduate course attendance policy for distance education.

#### **VII. Require Textbooks**

*Basic Legal Writing for Paralegals* by Pamela R. Tepper, 2<sup>nd</sup> Edition.

**VIII. Special Resources Requirements**

None

**IX. Bibliography**

Bintliff, Barbara, *Mandatory v. Persuasive Cases*, 9 PERSPEC. 83 (2001).

The Bluebook: A Uniform System of Citation (18<sup>th</sup> ed., Harvard L. Rev. Ass'n 2005).

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Jacobsen, M.H. Sam, *Determining the Scope of a Court's Holding*, 11 PERSPEC. 120 (2003).

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LeClercq, Terri, *Guide to Legal Writing Style* (3<sup>rd</sup> ed., Aspen 2004).

Neumann, Richard K., *Legal Reasoning and Legal Writing: Structure, Strategy, and Style* (5<sup>th</sup> ed., Aspen L. & Bus. 2005).

Rowe, Suzanne E., *Legal Research, Legal Writing, and Legal Analysis: Putting Law School into Practice* (2009), [http://www.law.uoregon.edu/lrw/docs/stetson\\_rowe.pdf](http://www.law.uoregon.edu/lrw/docs/stetson_rowe.pdf).

Sloan, Amy E., *Basic Legal Research: Tools and Strategies* (3<sup>rd</sup> ed., Aspen L. & Bus. 2005).

Strunk, Jr., William & E.B. White, *The Elements of Style* (4<sup>th</sup> ed., Allyn & Bacon 2000).

Wydick, Richard C., *Plain English for Lawyers* (5<sup>th</sup> ed., Carolina Academic Press 2005).



## Sample Lectures, Assignments, and Grading Rubrics

### Mini-Lecture: Promissory Notes

#### Definition:

*A written, signed, unconditional promise to pay a certain amount of money on demand at a specified time. A written promise to pay money that is often used as a means to borrow funds or take out a loan.*

The individual who promises to pay is the *maker*, and the person to whom payment is promised is called the *payee* or *holder*. If signed by the maker, a promissory note is a negotiable instrument. It contains an unconditional promise to pay a certain sum to the order of a specifically named person or to bearer—that is, to any individual presenting the note. A promissory note can be either payable on demand or at a specific time.

Certain types of promissory notes, such as corporate bonds or retail installment loans, can be sold at a discount—an amount below their face value. The notes can be subsequently redeemed on the date of maturity for the entire face amount or prior to the due date for an amount less than the face value. The purchaser of a discounted promissory note often receives interest in addition to the appreciated difference in the price when the note is held to maturity.

#### Basic Requirements of a Promissory Note:

1. **Meet the required elements to create an enforceable promissory note.** An enforceable note must include the following:
  - Default terms - What will happen if the borrower fails to repay in a timely manner.
  - The amount of the loan - The amount that is borrowed and owed
  - The Pledge of Security Agreement or Collateral hold - List any goods or services and the value used as a guarantee of the debt to be paid.
  - Repayment dates - The date payments are due or loan must be repaid.
  - Interest - The amount of interest accrued on the life of the debt and terms for late or missed payments, if applicable.
  - Amount after interest has been applied or PI (principle + interest).

**2. Outline the terms of the agreement that the borrower and lender have agreed upon.** The terms should define the following:

- Loan principal - The original amount loaned to the borrower.
- Interest rate - The rate charged or paid on borrowed money. Interest rates are calculated in terms of annual percentage rate or APR.
- Maturity rate - The date the debt become due.

**3. Decide on a secured or unsecured promissory note for the repayment process.**

- A secured promissory note requires the borrower to provide goods, property or services as collateral, in the event the borrower defaults on the debt. The value of the collateral must be equal to or greater than the principal of the debt.
- An unsecured promissory note generally requires no collateral to borrow. Good to excellent credit is required to get an unsecured loan.

**4. Make the promissory note enforceable.** The body of the document must include:

- Legal names of all parties that have a vested interest in the transaction.
- Address and phone numbers of each party involved, including the lender.
- The signature of the borrower and witness. The lender's signature may or may not be required. The requirement varies by state.
- Purpose. What the money will be used for. This will also vary by state.

**5. Inform the borrower of the right to transfer clause.**

- Default of payments on debts by a secured note may require the borrower to forfeit the items in lieu of payment.
- The borrower has a right to be informed that the note can be transferred by the lender to another party. The original terms and agreement will remain effective, but the debt will be payable to a different party.

### Sample Promissory Notes

\_\_\_\_\_ (“Lender”) and \_\_\_\_\_  
 (“Borrower”) hereby enter into this loan agreement this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

1. **Amount of Loan.** Lender shall loan Borrower the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_).
  
2. **Interest.** Interest shall be calculated on the unpaid balance as Simple/Compound (circle one) interest at the rate of \_\_\_\_\_ percent (\_\_\_\_%).
  
3. **Payment Terms.** Payments shall be applied first to interest and then to the unpaid balance of the loan and shall be made according to the following terms.
  - a. **Monthly Payments.** Monthly payments shall be due on the \_\_\_\_\_ day of each month.
  
  - b. **Late Payments.** Payment shall be considered late if not paid by the close of business on the \_\_\_\_\_ day of the month. A late fee of \$\_\_\_\_\_ shall apply to all late payments.
  
  - c. **Term of Contract.** Payments shall be due beginning on the \_\_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_ with a final payment due on the \_\_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_, for a contract term of \_\_\_\_\_ (\_\_\_\_) months.
  
4. **Collateral.** This loan shall be secured by \_\_\_\_\_ (describe the collateral), to which Lender shall hold title until such time as the loan is paid in full.
  
5. **Loan Acceleration.** Should Borrower fail to make any monthly payment before the following months payment becomes due, he/she shall be in default. Should Borrower be unable to cure the default within \_\_\_\_\_ (\_\_\_\_) days, Lender may call the entire amount of the loan due.

6. **Attorney Fees and Court Costs.** Should Borrower fail to comply with the terms of this loan agreement he/she will be responsible for all of Lender's attorney fees and any Court costs associated with enforcement of this agreement.

7. **General Provisions.**

7.1 **Governing Law.** The parties agree that this agreement shall be governed by the laws of the state of \_\_\_\_\_ and that the Courts of the state of \_\_\_\_\_ shall have exclusive jurisdiction to resolve any disputes that may arise out of this loan agreement.

7.2 **Entire Agreement.** This Agreement constitutes the entire agreement of the parties and supersedes all prior or contemporaneous oral or written agreements concerning this subject matter.

7.3 **Severability.** If any provision of this agreement is held by a court of law to be illegal, invalid or unenforceable, (a) that provision shall be deemed amended to achieve as nearly as possible the same economic effect as the original provision, and (b) the legality, validity and enforceability of the remaining provisions of this agreement shall not be affected or impaired thereby.

IN WITNESS WHEREOF, the parties have executed this Promissory Note on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Lender

Borrower

\_\_\_\_\_

\_\_\_\_\_

By:

By:

(typed or printed name of lender)

(typed or printed name of lender)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, the undersigned Notary Public in and for said county and state, did personally appear \_\_\_\_\_ (Lender) and \_\_\_\_\_ (Borrower) and signed this Promissory Note as their free and voluntary act and deed.

\_\_\_\_\_

Notary Public

(Seal or stamp)

January 11, 2013

I, Jane Doe, residing at 111 Maple Dr., Los Angeles, CA 90435, hereby promise to pay back, in full, the borrowed amount of \$1800 plus interest to John Smith at 5432 Applewood St., Los Angeles, CA 90456. This money will be used for the purpose of buying a new computer for school.

The first payment in the amount of \$200 plus 1.5% interest must be paid by March 1, 2013 and on the same date each month thereafter until the full amount is paid back, which must be no later than November 1, 2013.

If I miss a payment or am late for a payment, 0.05% interest will be added on the already agreed-upon interest.

If I fail to pay back the total borrowed amount by the agreed-upon date, Mr. Smith will be entitled to 1% interest each month in addition to the interest already accrued. If I am unable to pay the interest or the owed amount, Mr. Smith will be guaranteed my HD flat screen TV and HP Tablet worth a total of \$2,000.

As the borrower, I am aware of the right to be informed that the note can be transferred by the lender to another party. The original terms and agreement will remain effective, but the debt will be payable to a different party, which will be agreed upon at the time of transfer.

Thank you for your cooperation.

Signed,

Jane Doe

(818) 555-9876

Date

I, [borrower's name] at [borrower's address], hereby promise to pay back, in full, the borrowed amount of [borrowed amount] plus interest, to [lenders' name] at [lender's address]. This money will be used for [purpose of borrowed money].

The first payment in the amount of [amount] plus [%] interest, must be paid by [date of first payment], and on the same date each month after, until the full amount is paid back, which must be no later than [date when full amount is due].

If I fail to pay back the borrowed amount by the agreed-upon date, [lender] will be entitled to [%] interest each month after that in addition to the interest already agreed upon. If I am unable to pay the interest or the owed amount, [lender] will be guaranteed [goods or services] worth [amount of goods or services].

If I miss a payment or am late for a payment, [%] more interest will be added onto the already agreed-upon interest rate.

As the borrower, I am aware of the right to be informed that the note can be transferred by the lender to another party. The original terms and agreement will remain effective, but the debt will be payable to a different party, which will be agreed upon at the time of transfer.

Thank you for your cooperation.

Signed,

[borrower's signature]

[borrower's name]

[borrower's phone number]

<http://www.wikihow.com/Sample/Promissory-Letter-Template>

<http://legal-dictionary.thefreedictionary.com/promissory+note>

West's Encyclopedia of American Law, edition 2.

### **Writing Assignment #X:**

Once you have completed your memo and submitted it to the Dropbox, go to your online group in the Discussion area and post your assignment. Compare and contrast your assignment with your online group member. What were the strengths and weaknesses of your paper? Then analyze your partner's paper.

After your group analysis, revise your paper and place the final draft in your portfolio.

### **Memorandum on Social Host Liability**

Jeremy is a U.Mass senior. His family lives nearby in Hatfield. He is the youngest of three brothers, all of whom attended U.Mass. One of Jeremy's older brothers, Matt, lives at home with his parents.

Jeremy's 21st birthday in May falls on the day before graduation. Since Jeremy's parents are going to be gone that week and will be coming home the morning of graduation, Matt told Jeremy to invite his friends to their house for a birthday party. At around 11 p.m., Jeremy, Matt, and all the guests will leave the Hatfield house and go to Amherst to a pre-graduation fireworks display. Matt said that he will pay for some of the food and drinks but that Jeremy's friends have to share some of the costs. Jeremy collected \$200 from his friends and gave it to Matt. The plan is that Matt will buy a keg of beer, some vodka and mixers, soft drinks, pizza, birthday cake, and party decorations using the \$200 and making up the difference with his money. They expect around 30 people to come to the birthday party. Many of the guests will be minors.

Kristen, Jeremy's girlfriend, doesn't like this plan at all. She knows how much Jeremy and his friends drink. She also knows that they will be driving from Hatfield to Amherst on Route 9 at around 11 pm the night before graduation. She doesn't think much of Matt's ability to control the drinking since Matt drinks more than Jeremy does. Amy is also concerned about what might happen when they get to the fireworks display. One of Jeremy's friends, Trevor, is notorious for getting into fights when he's been drinking too much. Last summer, Trevor got into a fight over a bad call at a local softball game. Jeremy and some of his friends jumped into the fight too and one of them ended up with a broken nose.

Kristen could go to Jeremy's parents and tell them what's being planned but she doesn't want to be seen as spoiling the birthday fun. She knows you are a legal studies major and asks you to find out how much trouble they could get into if things get out of hand. She's hoping to scare them into acting responsibly.

Write a 2-3 page letter or memorandum to Amy explaining the potential civil liability of Jeremy, Matt, and their parents for any harm caused by the negligent actions of the intoxicated birthday



party guests. You decide what the tone should be. Put yourself in the position of the reader; what do you think will make the information most accessible for your reader. You do not need to discuss the potential criminal penalties (e.g. serving alcohol to minors, drunk driving) since this is about civil liability. Your goal is to equip Amy with accurate, relevant information. Remember to explain, clearly and accurately, any legal terms or concepts you use.

The format can be informal since this is being written to a friend. You decide what is best. You might want to just say, Dear Kristen, at the top, or you might want to set it up as a memorandum.

Sample memo format:

**MEMORANDUM**

To: My high school friends  
From: Amanda Student  
Date: October 6, 2006  
Subject: Social host liability

The body of your memorandum should be double spaced (even though this sample is not double spaced) and divided into paragraphs. Be sure to number all your pages. A strong memorandum will cover these topics: when the police have the right to pull you over; when the police have the right to ask you to perform field sobriety tests; what those tests might consist of; what the driver's rights are; what the consequences are if you fail the tests or refuse to take the tests. You may want to conclude with some suggestions on how teenage drivers can avoid trouble.

## Contract Writing

Once you have completed your contract and submitted it to the Dropbox, go to your online group in the Discussion area and post your assignment. Compare and contrast your assignment with your online group member. What were the strengths and weaknesses of your paper? Then analyze your partner's paper.

After your group analysis, revise your paper and place the final draft in your portfolio.

### Scenario:

Beth and Gary are getting married on June 15. Beth (Belefont) gave Gary (Garner) the task of finding a wedding photographer. Gary found a great photographer named Kelly Kristen. Kelly mainly works with magazine models, but does freelance wedding photography on the side. He comes highly recommended and had a portfolio of his work.

The only problem is that he is not a professional wedding photographer so he operates a little informal. He accepts the contracts verbally and explains everything verbally. He agreed to take 200-300 digital photographs for about 3-4 hours into the wedding reception. He said it would cost around \$250.00 and he will send a bill with the photographs.

Beth gave strict instructions (per her wedding planner) that there must be a written contract for his services. Gary has asked you to assist.

### Websites:

Read the following articles listed on these websites to supplement your textbook reading.

<http://smallbusiness.findlaw.com/business-contracts-forms/how-to-write-a-business-contract.html>

<http://www.techsoup.org/learningcenter/techplan/archives/page9838.cfm>

<http://www.allbusiness.com/legal/contracts-agreements/2569-1.html#axzz26TPdLbIX>

### Template:

Use the following template to complete a contract for this scenario:

**Contract for Photography Services**

Client's Name: \_\_\_\_\_

Client's Address: \_\_\_\_\_

Photography Location: \_\_\_\_\_

Photography Date: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Proof photographs are to be delivered to Client by MM/DD/YYYY

Minimum number of Photographs to be taken: \_\_\_\_\_ Maximum number:  
\_\_\_\_\_

Photographer's Fee: \$ \_\_\_\_\_ Deposit paid: \$ \_\_\_\_\_

1. The Client shall reimburse Photographer for any additional costs the Photographer may incur for travel, meals, parking, and other reasonable costs necessary to the performance of these services.
2. The deposit is not refundable if the Client cancels or changes the engagement. If the Photographer fails to appear at the place and time specified above, the deposit shall be refunded to the Client.
3. Proof photographs shall be delivered to the Client on CD. The client shall provide the Photographer with a written list of the proof images from which final photographs are to be prepared, and specify the number and format(s) of the final photograph to be delivered for each proof image. See attached Price Schedule for available final photograph formats and their prices.
4. The Client shall assist and cooperate with the Photographer in obtaining the desired photographs, including but not limited to specifying persons and/or scenes to be photographed; taking time to pose for photographs at the Photographer's direction; providing a person to guide the Photographer to desired persons and/or scenes; pre-shoot consultations, etc. The Photographer shall not be responsible for photographs not taken as a result of the Client's failure to provide reasonable assistance or cooperation.
5. The Photographer retains copyright in the photographs, and hereby grants the Client unlimited but non-exclusive rights to use or reproduce the photographs for which the Client pays.

Applicable Law

This contract shall be governed by the laws of the County of \_\_\_\_\_ in the State of \_\_\_\_\_ and any applicable Federal law.

**Signatures**

\_\_\_\_\_

**Client's Signature**

\_\_\_\_\_

**Printed Name**

\_\_\_\_\_

**Address**

\_\_\_\_\_

**Phone**

\_\_\_\_\_

**Photographer's Signature**

\_\_\_\_\_

**Printed Name**

\_\_\_\_\_

**Address**

\_\_\_\_\_

**Phone**

## Writing a Will

Once you have completed your will and submitted it to the Dropbox, go to your online group in the Discussion area and post your assignment. Compare and contrast your assignment with your online group member. What were the strengths and weaknesses of your paper? Then analyze your partner's paper.

After your group analysis, revise your paper and place the final draft in your portfolio.

### Scenario:

You are working as intern at the Pratt, Whitney & Arbuckle Law firm. They are short staffed today and asked if you could help out a long time customer who walked in without an appointment.

Mr. Alan Alibaster and his wife Alicia are having medical issues and getting up there in age and felt the immediate need to have a will. You have been asked to take down all pertinent information, start a rough draft on the will, and ask questions if necessary. The next day the regular staff members will revise and review it.

Here were the notes they had listed:

*Spouse gets everything if the other spouse dies.*

*If both spouses die, Kids split everything except for...*

*Martin gets the classic car in the garage that he helped to work on.*

*Mary gets the rare kitchen items.*

*Murray gets dad's coin collection.*

*Martin is the oldest so he can be the executor.*

*Spouses and grandkids are not involved in this.*

*We want to be buried together at the family plot at Forest Home Mortuary.*

*Names:*

*Martin Alibaster*

*Mary Alibaster-Smith*

*Murray Alibaster*

Websites:

Read the following articles listed on these websites to supplement your textbook reading.

<http://www.usa.gov/topics/money/personal-finance/wills.shtml>

<http://www.mahalo.com/how-to-write-a-will/>

Template:

***LAST WILL AND TESTAMENT***

of

-----  
(Full Legal Names)

-----  
(Identification / Social Security Number/s)

-----  
(Address)

**1. Declaration**

I hereby declare that this is my last will and testament and that I hereby revoke, cancel and annul all wills and codicils previously made by me either jointly or severally. I declare that I am of legal age to make this will and of sound mind and that this last will and testament expresses my wishes without undue influence or duress.

**2. Family Details**

I am married to \_\_\_\_\_ hereinafter referred to as my spouse.

I have the following children:

Name: \_\_\_\_\_ Date of Birth \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth \_\_\_\_\_

Name: \_\_\_\_\_ Date of Birth \_\_\_\_\_

**3. Appointment of Executors**

3.1. I hereby nominate, constitute and appoint \_\_\_\_\_ as Executor or if this Executor is unable or unwilling to serve then I appoint \_\_\_\_\_ as alternate Executor.

3.2. I hereby give and grant the Executor all powers and authority as are required or allowed in law, and especially that of assumption.

3.3. I hereby direct that my Executors shall not be required to furnish security and shall serve without any bond.

3.4. Pending the distribution of my estate my Executors shall have authority to carry on any business, venture or partnership in which I may have any interest at the time of my death.

3.5. My Executors shall have full and absolute power in his/her discretion to insure, repair, improve or to sell all or any assets of my estate, whether by public auction or private sale and shall be entitled to let any property in my estate on such terms and conditions as will be in the best interest of my beneficiaries.

3.6. My Executors shall have authority to borrow money for any purpose connected with the liquidation and administration of my estate and to that end may encumber any of the assets of my estate.

3.7. My Executors shall have authority to engage the services of attorneys, accountants and other advisors as he/she may deem necessary to assist with the execution of this last will and testament and to pay reasonable compensation for their services from my estate.

**4. Beneficiary**

I bequeath the whole of my estate, property and effects, whether movable or immovable, wheresoever situated and of whatsoever nature to my spouse \_\_\_\_\_.

**5. Alternate Beneficiaries**

5.1. Should my spouse not survive me by thirty (30) days I direct that the whole of my estate, property and effects, whether movable or immovable, wheresoever situated and of whatsoever nature be divided amongst my children named in 2. above in equal shares.

5.2. I direct that the inheritance devolving upon any of my children under my last will and testament as well as the proceeds, the reinvestment of such proceeds and the income thereon shall be free from the legal effects of any present or future marriage of any of my children, whether in or out of community of property including any accrual system and with or without the presence of any pre-marital agreement.

5.3. If any of my children are proved to be indebted to me by means of a legal instrument, then his / her share of my estate shall be reduced by the amount of such debt.

5.4. Should any of my children not survive me and my spouse by 30 (thirty) days I direct that the whole of my estate, property and effects, whether movable or immovable, wheresoever situated and of whatsoever nature be divided in equal shares between my remaining surviving children.

## 6. Special Requests

I direct that on my death my remains shall be cremated and all cremation expenses shall be paid out of my estate.

OR

I direct that on my death my remains shall be buried at \_\_\_\_\_ and all funeral expenses shall be paid out of my estate.

## 7. General

7.1. Words signifying one gender shall include the others and words signifying the singular shall include the plural and vice versa where appropriate.

7.2. Should any provision of this will be judged by an appropriate court of law as invalid it shall not affect any of the remaining provisions whatsoever.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_20\_\_\_\_\_

at this location \_\_\_\_\_ in the presence of the undersigned witnesses.

SIGNED: \_\_\_\_\_



**WITNESSES**

As witnesses we declare that we are of sound mind and of legal age to witness a will and that to the best of our knowledge \_\_\_\_\_, the creator of this will, is of legal age to make a will, appears to be of sound mind and signed this will willingly and free of undue influence or duress. We declare that he / she signed this will in our presence as we then signed as witnesses in his / her presence and in the presence of each other witness, all being present at the same time.

Under penalty of perjury we declare these statements to be true and correct on this

\_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_

at this location \_\_\_\_\_.

**Witness 1.**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

**Witness 2.**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

\* \* \*

**Alternate / additional clauses that you can use in this free Will and Testament template:**

**4. Beneficiary**

I bequeath the whole of my estate, property and effects, whether movable or immovable, wheresoever situated and of whatsoever nature to my spouse and children named in 2. above in equal shares.

5.4. Should any of my children not survive me and my spouse by 30 (thirty) days I direct that the non-surviving child's share goes to his / her natural, adopted or step children in equal shares.

5.5. If my children cannot reach agreement within one year of this will coming into effect on how to divide the property bequeathed to them, the Executor shall liquidate all the property and divide the proceeds according to the shares as directed by me.

You may want to make bequests to other persons or organizations not listed in our sample last will and testament. Have a look at one of our other forms (for a will without children) for sample wording.

Quite often married persons will appoint one another or an adult child as executor of a will. You could also appoint more than one child and direct that decisions can be made jointly and severally or must be made jointly only. Note though, decisions made jointly are not always the most expedient way to go.

**BRIEF – Grading Rubric**

**Student Name:** \_\_\_\_\_

**Overall comments**

**Substance**

**Question presented: clear; fact-based; mentions legal subject; accurate**

**Statement of the Case**

**Statement of facts: clear; well-organized; accurate; orients reader; includes necessary facts; cites to record; not argumentative**

**Summary of the Argument**

**Argument**

**Organization: overall; based on themes; road map; within sections or paragraphs; transitions; subheadings in sentence form**

**Analysis**

**I = statement of legal subject at beginning of each sub-point**

**R = explanation of the law research and choice of cases-- inclusion of major precedent cases**

**adequate discussion of facts, holdings, and reasoning of precedent cases appropriate synthesis of authority**

**A = analysis**

**application to pending case application of courts' reasoning and policy where appropriate**

**presentation of favorable arguments anticipation and rebuttal of unfavorable arguments**

**C = Conclusion that wraps up discussion**

**Conclusion: reflects content of argument; states relief requested**

### **Style and Form**

**Quotations: appropriateness; introduction; accuracy; use of quotation marks**

**Style: clarity; directness**

**avoids: inappropriate passive voice; wordiness; awkward phrasing; awkward separation of subject and verb or verb and complement; legalese; gobbledegook; personalizing; vagueness**

**Word choice**

**Legal terms: correct use**

**Tone – formal; measured; persuasive where appropriate**

**Grammar and syntax: avoids: sentence errors: fragments, run-ons, comma-splices; misplaced modifiers includes correct antecedents for pronouns; uses parallel structure where grammatically required; refers to courts' actions in past tense**

**Punctuation: apostrophe; comma; semi-colon**

**Spelling and proofreading**

**Format – cover, tables of contents and authorities, word limit, pagination, etc.**

**Citations: included where needed**

**Correct citation form: abbreviations; page cites; correct reporter; court; date; short citations**

**APPELLATE BRIEF GRADING RUBRIC**  
**150 pts**

Name: \_\_\_\_\_

Section: \_\_\_\_\_

<b>Section</b>	<b>Possible</b>	<b>Score</b>	<b>Comments</b>
Introductory Sections	5		
Statement of Issues	10		
Statement of Case/Facts:			
<i>Context</i>	5		
<i>Procedure</i>	5		
<i>Substantive Facts</i>	5		
<i>Advocacy</i>	5		
Summary of the Argument	10		
Point Headings	10		
<i>Copyright:</i>			
Choice and Use of Authority	10		

<i>Organization</i>	10		
<i>Advocacy and Analysis</i>	15		
Trademark:			
<b>Choice and Use of Authority</b>	10		
<i>Organization</i>	10		
<i>Advocacy and Analysis</i>	15		
Counterarguments	5		
Citation/Record References	10		
Writing	10		
<b>Total:</b>	<b>150</b>		
(- late points)			

## **Submission of Online BA Course Proposal Department of English**

Course: English 215, Introduction to Legal Writing

Professor: Tim Hibsman

Date: March 25, 2013

- **Statement of goals, objectives, and expectations of the course. These should align with the Syllabus of Record (required by UWUCC).**

### **Course Outcomes:**

Upon completion of the course, the student will be able to

1. Identify a beginning understanding in reading, navigating, understanding, and analyzing of documents in the legal field.
2. Interpret and demonstrate research skills in finding necessary information for legal documents. Must also implement proper format and citation.
3. Analyze and demonstrate an understanding of ethical challenges, current law practices and technology applications.
4. Demonstrate an ability to write and format memos, memoranda of law, basic legal briefs, observation essay, and other legal documents.

See attached syllabus for further details.

- **Statement of modalities used to deliver the course (D2L, Moodle, website, etc.)**

D2L will be used to deliver course content. The Discussion section will be used for student and instruction interaction. The Dropbox section will be used to submit assignments. Students can track their progress in the Gradebook section.

- **A pertinent, thoughtful variety of instructional and learning activities**

The course is focused on implementing practical, real-life lessons and concepts in every activity and assignment. On a weekly basis, students are asked to imagine that they are in a legal office and are asked to complete a task. They must follow the proper process and use the appropriate vocabulary to complete the assignment in the proper industry format.

See Exercises in the course outline section below.

- **Instructional and learning activities that encourage critical thinking, creativity, and problem-solving**



The majority of the course is focused on scenarios or case studies where student must assess the situation and write a response. They must critically analyze the situation to determine the issues, reactions, solutions, etc. and then present the information in the appropriate and professional legal document. Some of the case studies leave room for students to ask creative questions to a client or take a unique approach to solving the issues.

See Exercises in the course outline section below.

- **Instructional and learning activities that promote a variety of interactions among students**

Students will interact with one another through the threaded discussion forums and course e-mail. Weekly activities include groups of students assessing their past week's assignment with an example from a professional. Groups will have to write and submit an assessment report of their analysis and discussion. Within the discussion forum a specific topic is usually set aside for informal student interactions to discuss topic off topic, but to still build relationships and communication skills.

- **Constructive, relevant, and frequent feedback methods**

A variety of formal and informal interactions will be built into the course for the purposes of feedback and evaluation. As part of all modules, students will be expected to participate in threaded discussions regarding course content. Furthermore, student will have to collaborate with other group members and then document and present their interaction and group project to the instructor. The instructor's role in these discussions is to provide feedback to the students, to clarify information, to correct false assumptions, and to provide additional guidance in understanding the course content. The instructor will also assist students in preparing class projects that evaluate student ability to apply the skills learned in this course. Additional teacher-student interactions will take place via e-mail, using Wimba, telephone and online office hours as needed.

- **Course organization that is clear and coherent**

**Course Outline and Organization**

Week	Chapter Readings	Topics/Assignments	Time Constraints
1	Chapter 1	Sources of the Law Persuasive rhetoric and applications Exercises: <ul style="list-style-type: none"> <li>➤ Key terms <ul style="list-style-type: none"> <li>▪ Appellate courts</li> <li>▪ Precedential value</li> <li>▪ Parallel citation</li> <li>▪ Mandatory authority</li> </ul> </li> </ul>	(3 hours)

		<ul style="list-style-type: none"> <li>▪ Slip opinion</li> <li>▪ Looseleaf service</li> <li>▪ Annotated codes</li> <li>▪ Legislative history</li> <li>▪ Hornbooks</li> <li>▪ Treatise</li> <li>▪ Nutshell</li> <li>▪ Law reviews</li> <li>▪ Etc.</li> </ul> <p>➤ Checking legal sources in the IUP library</p>	
2	Chapter 2	<p>Legal Research Finding Tools</p> <p>Exercises:</p> <p>➤ Defining key terms</p> <ul style="list-style-type: none"> <li>▪ Key number system</li> <li>▪ Headnote</li> <li>▪ Table of cases</li> <li>▪ Defendant/plaintiff table</li> <li>▪ Pocket parts</li> <li>▪ Shepardizing</li> <li>▪ KeyCite</li> <li>▪ Query</li> <li>▪ Lexis</li> <li>▪ Westlaw</li> <li>▪ Westclip</li> <li>▪ Alert</li> <li>▪ Etc.</li> </ul> <p>➤ Finding cases:</p> <ul style="list-style-type: none"> <li>• <i>Parker v. Twentieth Century-Fox Film Corp</i></li> <li>• <i>Chaps v. Garcia</i>, 848 S. W.2d 667</li> </ul>	(3 hours)
3	Chapter 3	<p>The Case Brief</p> <p>Exercises:</p> <p>➤ Defining chapter terms</p> <ul style="list-style-type: none"> <li>▪ Case brief</li> <li>▪ Star-paging</li> <li>▪ Docket number</li> <li>▪ Affirmed</li> <li>▪ Reversed</li> <li>▪ Remanded</li> <li>▪ Vacated</li> <li>▪ Per curiam decision</li> <li>▪ En banc decision</li> <li>▪ Concurring opinion</li> <li>▪ Dissenting opinion</li> <li>▪ Issue</li> <li>▪ Facts</li> </ul>	(3 hours)

		<ul style="list-style-type: none"> <li>▪ Material fact</li> <li>▪ Order Numc Pro Tunc</li> <li>▪ Etc.</li> </ul> <p>➤ See review questions in Discussion Threads</p>	
4	Chapter 4	<p>Introduction to Legal Writing</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Promissory note analysis</li> <li>➤ Identify all constraints and legal requirements for a state's appellate brief. Study Figure 4.1 Document Requirements of the U.S. Supreme Court and First Circuit Court of Appeals for basic preparation guidelines.</li> </ul>	(3 hours)
5	Chapter 5	<p>The Mechanics of Construction</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Revise job client's document</li> <li>➤ Editing and revising handout</li> </ul>	(3 hours)
6	Chapter 6	<p>Effective and Persuasive Legal Writing</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Define key chapter terms <ul style="list-style-type: none"> <li>▪ Brevity</li> <li>▪ Precision</li> <li>▪ Flow</li> <li>▪ Rhythm</li> <li>▪ Parallel construction</li> <li>▪ Ambiguity</li> <li>▪ Colloquialisms</li> <li>▪ Legal jargon</li> <li>▪ Redundancy</li> <li>▪ Verbosity</li> <li>▪ Cumulative sentences</li> <li>▪ Etc.</li> </ul> </li> <li>➤ Revise the passage from <i>Cooley v. Board of Wardens (1851)</i></li> </ul>	(3 hours)
7	Chapter 7	<p>Citations in Legal Writing</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Cite the cases in proper format</li> <li>➤ Identify the signals used in the passages</li> <li>➤ Analyze the following case: Hypothetical 7-3 on page 183</li> </ul>	
8	Chapter 8	<p>The Basics of Legal Correspondence</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Purpose of a demand letter</li> <li>➤ Purpose of a client opinion letter</li> <li>➤ Write letter for customer</li> </ul>	(3 hours)
9	Chapter 9	<p>The Internal Office Memorandum</p> <p>Exercises:</p>	

		<ul style="list-style-type: none"> <li>➤ New client interview</li> <li>➤ IRAC (Issue, Reasons, Action, Conclusion) reports</li> </ul>	(3 hours)
10	Chapter 10	<p>The Basics of Pleadings</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Review of basic definitions <ul style="list-style-type: none"> <li>▪ Pleadings</li> <li>▪ Counterclaim</li> <li>▪ Cross-claim lawsuit</li> <li>▪ Fact pleading</li> <li>▪ Allegations</li> <li>▪ Equitable relief</li> <li>▪ Prayer for relief</li> <li>▪ Verification</li> <li>▪ Summons</li> <li>▪ Affirmative defenses</li> <li>▪ Compulsory counterclaim</li> <li>▪ Permissive counterclaim</li> <li>▪ Motion for More Definite Statement</li> <li>▪ Motion to Dismiss</li> <li>▪ Amended Pleading</li> <li>▪ Supplemental Pleading</li> <li>▪ Etc.</li> </ul> </li> <li>➤ Difference between fact pleading and notice pleading</li> <li>➤ Difference between counterclaim and cross-claim</li> </ul>	(3 hours)
11	Chapter 11	<p>Discovery</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Prepare discovery request</li> <li>➤ Review rules of procedure of applicable bounds of discovery.</li> <li>➤ Analyze client's position (Details provided in lecture.)</li> </ul>	(3 hours)
12	Chapter 12	<p>The Memorandum of Law to the Trial Court</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Identify significant facts, and present them in a manner that minimizes the opposition's strong points and paints a memorable picture of your client's position.</li> <li>➤ Case study analysis (Details provided in lecture.)</li> </ul>	(3 hours)
13	Handouts Chapter 13	<p>The Appellate Brief</p> <p>Wills and Last testaments</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Prepare a motion</li> </ul>	(3 hours)

		<ul style="list-style-type: none"> <li>➤ Determine timetables</li> <li>➤ Case study analysis</li> <li>➤ Rewrite Henderson file. (Copy of case file will be distributed in class.)</li> </ul>	
14	Handouts	<p>Contracts</p> <p>Exercises:</p> <ul style="list-style-type: none"> <li>➤ Case study analysis</li> <li>➤ Rewrite Andersen file (Copy of scenario will be distributed in class.)</li> </ul>	(3 hours)
15	Review .pdf handouts	<p>Final portfolio organization</p> <p>Students will construct a title page, table of contents of writing assignments (chosen by students) with detailed breakdown of key concepts displayed in each writing example.</p> <p>Portfolio presentation</p>	(3 hours)
16	Review of all Chapters	Final Exam	(3 hours)