

LEGAL ANALYSIS, RESEARCH, AND COMMUNICATION MANUAL

Contents

Administrative Matters	2
Textbooks . . . Course Requirements . . . Course Description . . . LARC Methodology . . . Syllabi . . . Administration . . . Assignment Format . . . Late Papers	
Academic Integrity	15
LARC Collaboration Policy . . . Research Methods and Sources . . . Collaboration on Assignments . . . Academic Integrity Pledge . . . Permissible Acts . . . Impermissible Acts	
Grading	18
Scoring . . . Participation, Civility, and Professionalism . . . Anonymous Grading	
Writing Skills	20
IRAC . . . Clarity of Expression	
The DePaul Vincent G. Rinn Law Library	22
Administration . . . Hours . . . General Rules . . . Noise . . . Computer Labs . . . Photocopiers . . . Study Rooms . . . Other Chicago Libraries	
Examples	27

Administrative Matters

Textbooks

Two textbooks are required for all First Year students in Legal Analysis, Research, and Communication (LARC) I and II: the *DePaul University College of Law Legal Analysis, Research, and Communication Manual 2010-2011*, available online at the College of Law website, and *The Bluebook: A Uniform System of Citation*, 19th edition. In addition, each LARC professor requires specific textbooks and may recommend other books, as well. This information appears in each professor's course syllabus.

Four textbooks are required for all Second Year students in LARC III: the *DePaul University College of Law Legal Analysis, Research, and Communication Manual 2010-2011*, available online at the College of Law website; the LARC III Coursepack, available online at www.universityreaders.com (look for the "Students Buy Here" button); Clary, Paulsen, and Vanselow, *Advocacy on Appeal*, 3d ed. (2000); and *The Bluebook: A Uniform System of Citation*, 19th edition.

Course Requirements

In order to receive credit for LARC I, II, and III, students must satisfactorily complete all writing, research, citation, and writing composition assignments, the Bluebook Quiz, the Writing Composition Quiz, the memo capstone assignment, and two oral arguments. Any student who fails to complete any semester's course requirements will receive an F(x) for that semester in the course. Please also refer to the information on late papers under the section entitled Grading, *infra*. Class attendance is mandatory. The penalty for a student who misses two LARC classes in any semester is a reduction of the final grade by a half-grade or more. The penalty for a student who misses three or more LARC classes in any semester is the grade of F(x). In addition, LARC professors may raise or lower a student's grade by a half step based on exemplary or deficient participation in and out of class.

Course Description

Legal Analysis, Research, and Communication is a course that each student takes both semesters of the first year and either Fall or Spring semester in the second year. Each LARC assignment introduces different facets of the legal reasoning process. The skills that the LARC course teaches are inter-related. No single skill functions alone or can compensate for the lack of others. As an integrated whole, they comprise a unique method of thought and expression, one that is necessary to the ability to work successfully as a lawyer in any environment.

LARC class will meet each week to discuss the legal research and writing process. Each LARC assignment serves a particular function. The LARC professor will discuss the kind of

analysis each new assignment requires, how it differs in analytic scope or structure from earlier assignments, and what pitfalls to avoid in the analytic and writing process.

The focus of the first semester—LARC I—is the acquisition and development of legal reasoning and writing skills. Students will complete a series of writing assignments that are sequenced carefully and, when appropriate, broken down into their component parts. Each assignment incorporates prior skills and adds challenging new elements. The majority of assignments in the Fall semester focus on one area of law, which may be familiar to students from their other first-year courses.

Research, predictive writing, and trial-level persuasive writing are the focus of the second semester—LARC II. Through a series of research exercises and written assignments, students will become familiar with the research resources available and will develop a sense of the strategy that is integral to the research process. Using these skills, students will write two predictive office memos, a short argument, and a trial brief. They also present an oral report to a mock supervising attorney on the results of research and analysis.

In the third semester—LARC III—students develop the skills they learned in the first year by working on more complex legal issues. Advanced research techniques and persuasion form the curriculum. Students write a motion, two trial briefs, and an appellate brief. They also present two oral arguments to mock judges.

Because LARC classes are significantly smaller than most other classes, students will enjoy more individualized contact with their professors. Turn that contact into productive dialogue during class, office hours, and conferences. If a new assignment is unclear, ask for clarification. A single question may spare an entire class untold hours of frustration. LARC professors will replace some regularly scheduled classes with individual or group conferences. The conferences are designed to help students work through analytic difficulties while they are in the process of writing an assignment; it requires them to evaluate critically their progress.

Students may also receive guidance from their teaching assistant. The teaching assistant is a second- or third-year law student who serves four primary functions:

- to help students identify and correct writing problems;
- to help explain the technical aspects of legal writing, including citation form and the correct format for each assignment;
- to conduct library tours and offer guidance in research strategy; and
- to provide individual consultation on outlines and research or writing assignments.

As a recent “graduate” of the LARC program, the teaching assistant is an invaluable resource.

LARC Methodology

The professors in the LARC Department want each LARC student to fulfill two goals: (1) to develop the skill of legal analysis and to communicate that analysis effectively, both in writing and orally; and (2) to develop and soundly execute his or her own professional judgment. To help students achieve these goals, the LARC course demands regular, repeated, and escalating performance throughout the semester in the form of class discussion and writing assignments. Because LARC I students are required to document their thinking on an almost weekly basis, they will have the benefit of immediate and continual feedback on the development of their writing and analytic skills. These skills complement students' substantive studies, as well. As students master these skills, they will develop the foundation for academic and professional success.

During LARC I, the LARC professors help their students with this demanding task by teaching legal analysis in a stepped-progression method: students complete a large project by working through its smaller, discrete tasks. LARC professors critique each of those smaller tasks and return them before asking students to revise the work and incorporate it into the next step. All of the assignments are related by both law and facts, and each new discrete task builds on the prior task. This pedagogic approach is called the "process method." Students benefit from learning the new skill of legal analysis through the process of small steps with immediate feedback. This approach changes in LARC II. One of the LARC Department's methods in LARC II, which continues in LARC III, is to wean students from the highly structured, step-by-step feedback characteristic of the Fall semester. The approach shifts to a product-oriented one, by which students complete projects as a whole, rather than in steps.

Syllabi

LEGAL ANALYSIS I SYLLABUS–FALL 2011

Your grade in LARC I consists of 135 points, coming from your scores on written assignments, research homeworks, Bluebook exercises, Writing Composition exercises, and conferences. The LARC professors may raise or lower a student's grade by a half-step based on exemplary or deficient participation in and out of class. For an explanation of your participation obligations, please refer to the section of the LARC Manual entitled "Participation, Civility, and Professionalism," *infra*.

Week of	In-Class Skill	Assigned	Due	Returned
Orientation 8/22	American legal system; case briefing	Case Brief– 1 point		

Week of	In-Class Skill	Assigned	Due	Returned
Two 8/29	Rule outlining; IRAC; Bluebook organization, finding aids, Practitioners' Notes; BB Rules 10[.0], 10.2[.0], 10.3.1(b), 10.3.2; Table 1	Rule Outline– 1 point ; Bluebook Exercise 1– 1 point	Case Brief	
Three 9/5	Synthesis; illustration of precedent; BB R. 10.4, 10.5	Synthesis– 5 points; 1000 words ; BB Exercise 2– 1 point	Rule Outline; BB Exercise 1	Case Brief
Four 9/12	Rules and synthesis, continued; plain language drafting; BB R. 10.2.1(c- d), 10.2.2; T 6, 10	Plain Language Draft– 6 points ; BB Exercise 3– 1 point	Synthesis; BB Exercise 2	Rule Outline; BB Exercise 1
Five 9/19	Illustrating precedent, continued; topic sentences; discuss Plain Language Draft; BB R. 10.9, 4.1	Synthesis Rewrite– 10 points, 1000 words ; BB Exercise 4– 1 point	Plain Language Draft; BB Exercise 3	Synthesis; BB Exercise 2
Six 9/26	Analogy and distinction; BB R. 10.2.1(a-b), (e-f)	Analogy and Distinction Homework– 1 point ; BB Exercise 5– 1 point	Synthesis Rewrite; BB Exercise 4	Plain Language Draft; BB Exercise 3

Week of	In-Class Skill	Assigned	Due	Returned
Seven 10/3	Facts, inferences, and legal conclusions; BB R. 10.2.1(g-h), 6, 7	BB Exercise 6–1 point	Analogy and Distinction Homework; BB Exercise 5	Synthesis Rewrite; BB Exercise 4
Eight 10/10	Creation of legal analysis: fact application; thesis sentences; large-scale organization of Discussion section of office memo; BB R. 5; T 7; parallelism	Fact Application–10 points; 1500 words; BB Exercise 7–1 point; Writing Composition Exercise 1–1 point	BB Exercise 6	Analogy and Distinction Homework; BB Exercise 5
Nine 10/17	Large-scale organization; outlining; headings; mixed constructions	Discussion Section of Office Memo–25 points; 2800; WC Exercise 2–1 point	Fact Application; BB Exercise 7; WC Exercise 1	BB Exercise 6
Ten 10/24	Group conferences–5 points			Fact Application (available at regular class time)
Eleven 10/31	Components of office memo; modifiers	Components–15 points; WC Exercise 3–1 point	Discussion; WC Exercise 2	BB Exercise 7; WC Exercise 1

Week of	In-Class Skill	Assigned	Due	Returned
Twelve-- extended class 11/7	Research and use of secondary authorities; BB R. 16, 15, 4.2, 3.2, T 13; abstract constructions; passive voice constructions	Research Homework I (secondary authorities)-- 1 point ; BB Exercise 8-- 1 point ; WC Exercise 4-- 1 point ; WC Exercise 5-- 1 point	Components; WC Exercise 3	WC Exercise 2
Thirteen-- extended class 11/14	Caselaw research: subject-matter searching; finding tools; updating resources; BB R. 1.2, 1.3, 1.4, 1.5, 10.7; T 8, 9	Memo-- 35 points; 3000 words (assignment available on November 15); Research Homework II (finding tools)-- 1 point ; BB Exercise 9-- 1 point	Research Homework I, BB Exercise 8; WC Exercise 4; WC Exercise 5	Discussion; Components; WC exercise 3
Fourteen 11/21	Individual conferences-- 5 points			BB Exercise 8; WC Exercise 4; WC Exercise 5
Fifteen 11/28	No class		Memo; Research Homework II; BB Exercise 9 (due December 2)	

LEGAL ANALYSIS II SYLLABUS–SPRING 2012

Your grade in LARC II consists of 160 points, coming from your scores on written assignments, research homeworks, Bluebook exercises, Writing Composition exercises, conferences, the Bluebook Quiz, the Writing Composition Quiz, and the Memo Capstone assignment. LARC professors may raise or lower a student’s grade by a half-step based on exemplary or deficient participation in and out of class. For an explanation of your participation obligations, please refer to the section of the LARC Manual entitled “Participation, Civility, and Professionalism.”

Week of	In-Class Skill	Assigned	Due	Returned
One– extended class 1/16	Statutory research; research strategy; receiving an assignment from a supervisor; BB R. 12	Research Homework (subject matter searching, updating, and statutes)– 1 point ; Research Methodology– 5 points ; Bluebook Exercise 1– 1 point		
Two 1/23	Editing and paragraphing; pronoun case; agreement among nouns, pronouns, and verbs	Memo I– 30 points; 3000 words ; Writing Composition Exercise 1– 1 point	Research Homework; Research Methodology; BB Exercise 1	
Three 1/30	In-class work on Memo I; use of precedent; commas	WC Exercise 2– 1 point	WC Exercise 1	Research Homework; Research Methodology; BB Exercise 1
Four 2/6	Individual conferences– 5 points			

Week of	In-Class Skill	Assigned	Due	Returned
Five 2/13	Statutory construction; reporting to the supervising attorney	Memo II– 35 points; 3750 words	Memo I; WC Exercise 2	
Six 2/20	Varying the organizational paradigm; relative and demonstrative pronouns; apostrophes	WC Exercise 3– 1 point		
Seven 2/27	Group conferences (report to the supervising attorney)– 5 points			Memo I (available at regular class time); WC Exercise 2
Eight 3/5	Function of court documents; persuasive writing; Argument section of Trial Brief; BB R. 10.3.1(a); T 1	Argument Section of Trial Brief– 15 points; 1500 words; BB Exercise 2–1 point	Memo II; WC Exercise 3	
Nine 3/12	Persuasive and unpersuasive argumentation; fallacy arguments; coping with adverse authority		BB Exercise 2	WC Exercise 3
Week of 3/19	Spring Break			

Week of	In-Class Skill	Assigned	Due	Returned
Ten 3/26	Writing Composition Refresher/ Bluebook Tournament			Memo II; BB Exercise 2
Eleven 4/2	Elements of trial brief; point headings; BB R. 18	Trial Brief– 25 points; 3750 words; BB Exercise 3–1 point	Argument	
Twelve 4/9	Persuasive Statement of Facts; semicolons; colons	WC Exercise 4–1 point	BB Exercise 3	Argument
Thirteen 4/16	Memo Capstone Exercise– 2 points		Trial Brief; WC Exercise 4	BB Exercise 3
Fourteen 4/23	Bluebook Quiz– 15 points; Writing Composition Quiz– 15 points			

LEGAL ANALYSIS III SYLLABUS–2011-2012

Your grade in LARC III consists of 200 points, coming from your scores on written assignments, research homeworks, Bluebook exercises, conferences, and oral arguments. The LARC professors may raise or lower a student’s grade a half-step based on exemplary or deficient participation in and out of class. For an explanation of your participation obligations, please refer to the section of the LARC Manual entitled “Participation, Civility, and Professionalism.”

Week	In-Class Skill	Assigned	Due	Returned
One	Research and use of administrative regulations and agency decisions; Bluebook 14; Table 15	Trial Brief I– 35 points; 3750 words; Coursepack reading for Class One; coursepack reading for Class Two		
Two	Motion practice; trial briefs; executing an integrated research strategy	Coursepack reading for Class Three		
Three	Research and use of legislative history; BB R. 13; T 9	Research Homework (administrative law and legislative history)– 10 points; Bluebook Exercise– 2 points; Comparative Research Report; reading from <u>Clary</u> , Part Three	Trial Brief I	

Week	In-Class Skill	Assigned	Due	Returned
Four	Oral argument of a trial brief: synthesizing the law, distilling the arguments	Motion– 10 points ; Trial Brief II– 35 points; 3750 words ; Oral argument on Trial Brief I– 8 points ;	Research Homework; Bluebook Exercise; Comparative Research Report	
Five	Oral Arguments		Oral Argument on Trial Brief I	Trial Brief I
Six	Individual conferences on Trial Brief II– 5 points	Reading from <u>Clary</u> , Parts One and Two		Research Homework; Bluebook Exercise
Seven	Function of appellate briefs and differences from trial briefs; theory of the case; standard of review; tactical considerations for appellate argumentation	Argument Section of Appellate Brief– 25 points; 5000 words ; coursepack reading for Class Eight	Motion and Trial Brief II	
Eight	Consistency arguments; legal policy arguments; public policy arguments			
Nine	Individual conferences on Argument– 5 points	Coursepack reading for Class Ten		Motion and Trial Brief II
Ten	Form and elements of appellate brief	Appellate Brief– 50 points; 8750 words ; coursepack reading for Class Eleven	Argument	

Week	In-Class Skill	Assigned	Due	Returned
Eleven	Facts on appeal; use of the record; persuasive Questions Presented for Review	Appellate arguments– 15 points ; coursepack reading for Class Twelve		
Twelve	Compliance with appellate rules; appellate persuasion techniques	Reading from <u>Clary</u> , Part Three		Argument
Thirteen	Appellate advocacy		Appellate Brief	
Fourteen-Fifteen	Oral arguments		Presentation of appellate arguments	

Administration

Director of Legal Analysis, Research, and Communication:

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All students are assigned to a LARC professor who will teach them throughout the first year; students will switch professors for their third semester. Students should work closely with their professors to take advantage of the opportunity for individualized feedback. Each professor holds weekly office hours and can also be reached through voicemail and email. Students should also ask questions of their teaching assistant. Students who have questions concerning class schedules administrative matters should see Professor Thrower.

Assignment Format

Students must turn in all assignments at the beginning of the class in which they are due, except for the final memo of LARC I, which is due on December 2, 2011. Students must turn in two copies of each assignment, identified only by student identification number, and they should retain a hard copy of the document for their files. LARC professors may also require students to submit electronic versions of their assignments. Students under that requirement are responsible for ensuring that any electronic version of an assignment that they submit is the correct version and is uncorrupted. The submission of an incorrect or corrupted file means that the student's assignment was untimely and subject to the late penalty.

All paper versions of assignments must be on white 8 1/2 x 11 paper. A one-inch margin must appear on the top and both sides of each page. Students must double-space assignments and must place two spaces between each sentence and between sentences and citations. All pages must bear a page number, beginning with the second page. LARC professors may establish other requirements for assignment format, such as a particular font. If students are unsure as to whether their font type and size are in compliance, they should check with their LARC teaching assistant or professor before turning in the assignment. The word limit and point value for each assignment appear next to the assignment date in the course syllabi, *supra*. Each document must have attached to it the Academic Integrity Pledge, signed by the student; a copy of the pledge appears *infra*. LARC professors may reject papers that fail to comply with the format requirements or that exceed the word limit, and students lose 20% of the available points for that assignment until they submit a compliant paper.

Students may find a pool of critiqued student-written work by accessing the law library's online reserves. Students should bear in mind as they review these samples that while these samples represent the top student work on a particular assignment, the samples are in no way perfect, and professors cannot point out every single thing that might have been open for correction. Accordingly, new students should avoid copying the prior work and thinking that a one-size-fits-all approach will work for their own assignments. Each new legal problem requires independent thought as to organization and analysis. The LARC Reserve Pool is available for students' reference and guidance and does not represent the last word on any LARC subject.

Late Papers

Students must submit all assignments at the beginning of class on the date they are due, with the exception of the final Memo in LARC I. Late papers will incur a penalty of 20% of the available points for that assignment each day, until no points remain. Even if no points remain available to earn on an assignment, students must complete and submit the assignment prior to the last day of the semester in which it is due, or they will fail LARC for that semester. The one exception to this end-of-semester, last-chance due date pertains to the Research Homeworks. To ensure that First Year students receive the benefit of learning how to research before they must accomplish the research for their graded assignments, First Year students must complete and submit all Research Homeworks prior to the assignment date for the LARC II Memo I. Any student who fails to satisfy this requirement will lose 20% of the available points for Memo I,

aside from any other penalties that the paper may incur. Similarly, to ensure that LARC III students receive the benefit of learning how to research administrative materials and legislative history before they must accomplish their research for Trial Brief II, they must complete and submit both Research Homeworks prior to the assignment date for Trial Brief II. Any student who fails to satisfy this requirement will lose 20% of the available points for Trial Brief II, aside from any other penalties that the paper may incur.

Many LARC classes meet at the same time. This means that many students—sometimes as many as 100—will have assignments due at the same time. If you print out your assignments at the College of Law, you will find that you are competing with these other students for the printer, which can cause quite a logjam. Having to wait in line at the printer is not an excuse for a late-submitted assignment. Comparably, computers, printers, and memory devices are imperfect pieces of machinery, subject to failure. **Problems with technology are neither unforeseen or rare, and they do not constitute an excuse for a late submission.** Protect yourself by backing up your work often and printing out a hard copy at reasonably frequent intervals. Do yourself a favor: finish your assignments and print them out the night before they are due, to avoid long lines at the College of Law's printers and last-minute technology glitches. Develop the critical lawyerly characteristic of punctuality in the submission of all required papers, and submit your work on time!

Academic Integrity

All College of Law students are governed by the University's Student Code of Responsibility, available in the Student Handbook on the University website at www.depaul.edu, and the College of Law Honor Code, available on the College of law website at www.law.depaul.edu. Both prohibit plagiarism and require students to be honest in their academic endeavors. **Violations of these codes may bring disciplinary action from DePaul that could include a grade reduction, suspension, or expulsion. In addition, if an Academic Integrity investigation takes place, the Office of the Dean for Student Affairs notifies the Board of Law examiners in all jurisdictions to which the student applies to take the bar.**

Two academic honesty issues tend to arise in connection with LARC classes. The first is plagiarism: representing the words or ideas of another as the student's own. Many incidents of plagiarism are the result of improper documentation during the research process or failure to understand the rules of proper attribution. Whether accidental or intentional, plagiarism is a violation of the Honor Code. Each student bears the responsibility to understand the scope of plagiarism and to avoid committing it.

When preparing LARC assignments, students may not consult unpublished materials prepared by any person other than their LARC professor or their teaching assistants. In researching and writing LARC assignments, students are likely to encounter published sources upon which they will rely heavily, and if they are good researchers, they will find many helpful sources. The fact that these sources are available either in books or on the computer, though, does not entitle any student to cut and paste chunks of prose or to borrow without giving proper attribution. Students must always give appropriate citations to source materials that they have

quoted, paraphrased, or borrowed, including the specific page numbers on which they have relied. Students should keep quotations to a minimum. When they do quote, they must use quotation marks, ellipses, and brackets to indicate what they quoted and how, if applicable, they altered the material. For further guidance, consult the sections regarding plagiarism in *A Writer's Reference* by Diana Hacker and regarding quotations and citations more generally in *The Bluebook*.

DePaul University College of Law Legal Analysis, Research, and Communication Collaboration Policy

The second and perhaps more difficult issue that arises is impermissible collaboration. Students do benefit from sharing ideas, and LARC professors encourage this sharing within the bounds of the classroom. Some assignments are designed to be worked on in teams; however, in the interest of proper learning, some limits upon permissible collaboration are in place.

Research Methods and Computer Use

When preparing LARC assignments, First Year students may not consult anyone, including a spouse, significant other, roommate, family member, attorney, judge, law faculty member, or upper-class law student—other than their LARC professor or their teaching assistant—about research methods or sources. Students may consult library staff members for help locating or using library resources but may not ask for assistance in interpreting research materials or in approaching a problem from a strategic perspective, for example, which headings to use to find relevant cases.

For any LARC assignment for which computerized research is permissible, students may contact the reference attorneys on the Lexis or Westlaw help lines. LARC professors will inform students which assignments they must complete without access to computerized databases. *Impermissible use of computerized research, including Lexis, Westlaw, Findlaw, Loislaw, google, yahoo, or any other search engine, constitutes a violation of the Academic Integrity Code.*

Collaboration on Assignments

Research, Citation, and Writing Composition Assignments: First Year students may collaborate on any research, citation, or writing composition exercise with other First Year students, if permitted by individual LARC professors. Second Year students may collaborate on any research or citation exercise with other Second Year students who are then taking LARC III, if permitted by individual LARC professors. Students may not use any service or product that creates, constructs, corrects, or checks a legal citation on any research or citation exercise.

Writing Assignments: First Year students may discuss legal theories and analytical approaches with other First Year students during any stage of any writing assignment. Second

Year students may discuss legal theories and analytical approaches with other Second Year students who are then taking LARC III during any stage of any writing assignment. Students must conduct their own research, but they may refer to specific legal authorities while they are discussing theories and analysis with other First or Second Year students, as permissible. Although students may continue to discuss theories and analysis with other students while they are writing, students must perform all actual writing independently, without assistance from any person. Here is a good way to think about this requirement: once a student has written or typed something on a page or computer screen, no one else may look at it or listen to someone reading it, other than the student's LARC professor or teaching assistant. Students may not use any service or product that creates, constructs, corrects, or checks a legal citation on any writing assignment.

Academic Integrity Pledge

Students must complete, sign, and include the following Pledge of Academic Integrity with all LARC assignments:

On my honor, I submit this work in good faith and pledge that I have neither given nor received improper aid in its completion.

On my honor, I pledge that this document complies with the word limitation and consists of _____ words.

On my honor, I pledge that, if this course requires submission of work electronically, I have submitted to the assignment drop box for this course an electronic copy of this document that is identical to the hard copy I have submitted.

Signature of Student

It is permissible to:

Discuss any assignment with your LARC professor or your teaching assistants at any time.

Discuss cases, legal concepts, problems, and potential arguments related to each assignment with another student in the course.

It is impermissible to:

Divide research tasks.

Share case names, citations to cases, statutes, or secondary sources or duplicate those source materials for others. Incidental references to a case name or other authority, not offered for the purpose of sharing research but for the honest purpose of discussing a legal issue, are permissible.

Share notes, outlines, or computer memory devices relating to LARC assignments.

Reveal any portion of your writing, either visually or orally, to any person other than your LARC professor and LARC teaching assistants. In other words, you may not share your writing with other students, family members, or others for any reason, including receiving assistance on any task (*e.g.*, organization, analysis, editing, proofreading). This ban includes providing paper or electronic copies of your writing and any form of reading your work to another. Once you have submitted all assignments in an assignment arc, you may use any of those assignments as writing samples in your job search.

Review, read, or listen to any portion of another student's writing—whether that writing is printed out on paper or is on a computer screen or is stored electronically—for any reason, including the assistance on any task (*e.g.*, organization, analysis, editing, proofreading).

Until permitted by your instructor, use computers for any function regarding the LARC course, other than (1) word processing; (2) accessing your LARC class webpage (*e.g.*, Desire2Learn, TWEN) and links on that page; and (3) accessing the library's electronic card catalog.

If at any time you are uncertain as to whether an act is permissible, see your LARC professor, Professor Thrower, or Assistant Dean White.

Grading

Scoring

LARC professors assign letter grades at the end of each semester in accordance with the grading policies of the College of Law. Professors evaluate graded assignments using a numeric score from a range specific to that assignment. Each LARC professor uses the same scoring range. When the professor returns an assignment, he or she will advise the class on the average of the scores so that students can chart their own progress and understand where their scores fall in comparison to those of their classmates. While the scoring range itself may suggest the relative weight that the assignment contributes to the final grade, it is not intended to be a precise mathematical representation.

Participation, Civility, and Professionalism

In the LARC course, you will learn not just writing but also civility and professionalism. This instruction is grounded in the duties imposed on practicing lawyers. Discourteous or uncivil conduct by attorneys is governed to some extent by the attorney's duty of candor and fairness to opposing counsel and the tribunal¹ and by rules of practice and procedure.² In addition, many courts and state bars mandate professionalism through lawyer civility and courtesy codes.³

Courts have punished lawyers or expressed strong disapproval of their discourteous, uncivil, or rude conduct during the course of pretrial proceedings and trial, even when that conduct did not violate a particular provision of the disciplinary rules.⁴ In addition, many duties of professional responsibility govern lawyers' behavior even when the lawyers are "off-duty." This lack of a distinction between a lawyer's behavior in different venues carries over into the instruction of professionalism and the law school experience. Indeed, the board of bar examiners will ask us to certify your fitness to practice law. To that end, we want to ensure that you have the civility and professionalism skills that your newly chosen profession demands.

It is not enough merely to tell you what civility and professionalism are; you must also have a chance to practice those skills. Professional and civil behavior lead to a smoothly functioning law school classroom experience for everyone. In particular, good class participation is critical for learning and for helping to make class time as productive and enjoyable as possible for everyone. To that end, professors have the right to raise or lower a student's final grade by a half a step (for example, from C to C+ or from A to B+) based on class participation, civility, and professionalism.

Proper class participation and professional conduct include, but are not limited to,

- (1) sufficient preparation for each class to enable a positive contribution toward class discussion and exercises; and

¹ See, e.g., ABA Guidelines for Litigation Conduct (Aug. 1998); ABA Creed and Pledge of Professionalism; A Lawyer's Creed of Professionalism of the ABA Tort and Insurance Practice Section (1999); American College of Trial Lawyers' Code of Trial Conduct (rev. 1987).

² See ABA Model Rules of Professional Conduct (5th ed.) R. 3.1, 3.3, 3.4; ABA Model Code of Professional Responsibility DR 7-102.

³ See Fed. R. Civ. P. R.11; 29 U.S.C. § 1927.

⁴ See, e.g., Wickings v. Arctic Enters., Inc., 624 N.W.2d 197, 209 (Mich. Ct. App. 2000), leave for appeal denied, 630 N.W.2d 623 (Mich. 2001) ("[I]n a society where there seem to be no limits to the lengths to which lawyers will go to secure a 'win' for their clients, it is easy to ignore that civility, honor, and trustworthy character are indispensable qualities in lawyers.").

- (2) courteous, civil, and respectful behavior toward other students and the professor, both in and out of class;

Insufficient class participation and unprofessional or uncivil conduct include, but are not limited to,

- (1) lack of preparation for, or participation in, class and/or oral argument;
- (2) discourteous, uncivil, or rude behavior toward other students or the professor, whether in or out of class; and
- (3) disruptive conduct or other improper actions during class.

Anonymous Grading

LARC professors grade all assignments anonymously. To facilitate this system of anonymity, students must identify their papers with their student identification number only. This system is not intended to prevent students from having discussions with their professors concerning specific questions about their work.

Writing Skills

Legal writing shares many of the same goals as other types of writing: the communication of an idea clearly and concisely, the support of ideas, and the presentation of thoughts in a readable, interesting fashion. For many law students, the transition to legal writing can be a difficult one. Legal writing is a much more structured form of writing than other types: lawyers place a strong emphasis on the use of authority to support a proposition, on clarity of organization, and on precision in the manner of expression. Many new legal writers are surprised to find that legal writing features no Latin phrases, no “heretofores” or legalese, no rhetorical hyperbole. The best legal writing is a well-crafted, clearly organized, tightly edited, comprehensive explanation of legal analysis.

IRAC

The organization of ideas is perhaps the most difficult of these tasks to accomplish. In order to communicate analysis effectively, a legal writer must provide, step-by-step, the legal foundation for her conclusions. The IRAC format can help a writer to accomplish these goals.

I Issue. Think of this step as the context before the details. Before the reader can understand what the writer’s analysis is, he must understand what problem or question the writer is trying to resolve.

R Rule. This component really has two separate elements: “R” for rule, and “I” for case illustration. The writer states the legal rule that will resolve the question. If more than one rule applies to a discussion of a given issue, organize those rules according to an analytical hierarchy. Always address the broadest, or most general rule, first, and work to the more specific rules. Cite to authority after the rule. Then, in order to help the reader understand the significance of the legal rule, or how courts have applied that rule to facts in the past, the writer illustrates one or more prior judicial decisions. The writer can then use those prior decisions as comparisons with the client’s situation. In order to be useful, a case illustration must include a topic sentence—context always comes before details; all of the facts that determined the court’s decision; the court’s holding; and the court’s reasoning for its holding. Avoid a “mini case brief” by focusing on the legal issue, rather than on an overall description of the case.

A Application. The writer applies the law to the facts of the client’s case. The “application” portion of the analysis is the most important component of legal analysis: the writer uses the legal foundation he has provided to explain how and why the law will impact the client. It is here that the writer analogizes the client’s facts to, or distinguishes them from, the facts that served as the basis for the prior decisions; this becomes the basis on which the writer predicts or persuades the reader as to the likely outcome of the client’s situation. This is the place in the analysis in which the abstract law translates into an outcome. Often, however, this is the most neglected step in the legal analysis. Do not assume that if a writer states the rules and identifies the client facts, then the intelligent reader will jump to the right conclusion. She will not do that mental work herself. Carefully and comprehensively explain how a court will likely see those rules in light of each relevant client fact.

C Conclusion. Once the writer has applied each relevant rule to each outcome-determinative fact, he summarizes his position in a concluding sentence. Each issue and sub-issue should have its own conclusion. These conclusions help the reader make the most efficient use of the information the writer has presented. To be effective, a conclusion should state what a court is likely—or unlikely—to conclude about the client’s facts.

Organize each issue and sub-issue along the IRAC format. IRAC helps new legal writers ensure that all of the components necessary for sound legal analysis are present and communicated in the most effective manner. This format may seem stilted and artificial at first, but young lawyers quickly learn that legal readers expect to receive information in this order and that providing their readers with what those readers expect greatly benefits the writer.

Clarity of Expression

Everyone enters law school with a perception of how lawyers “sound.” Grand, flowery pronouncements with a smattering of secret code words known as “legalese” spring to mind. The last twenty years, however, have witnessed a recognition among the legal community that the purpose of legal writing is to communicate, not to mystify or bedazzle. The emphasis on plain English in legal writing stresses a clear, concise, direct manner of expression. The legal writing texts offer exercises that will help writers hone these skills. *Plain English for Lawyers*

by Richard Wydick is an excellent book devoted exclusively to the subject. It is a short, very readable book that features additional exercises and many helpful practice tips.

Vincent G. Rinn Law Library

The primary mission of the law library is to serve the research and study needs of faculty, currently enrolled students, and the DePaul University community. The library is open to members of the public who are conducting serious legal research. With the exception of select government documents databases, Internet and wireless network access is not available to the general public; however, the vast majority of the library's print collection can be used within the library. Patrons without DePaul Identification Cards must ring the buzzer to gain entrance, sign in, and show current photo identification.

Law Library Administration:

Professor Allen R. Moye
Director of the Library
Email: amoye@depaul.edu
(312) 362-6893

Law Library Hours

Circulation Desk—(312) 362-8121

Library's website: http://www.law.depaul.edu/library/general_information/hours.asp.

Fall and Spring Semesters:

Monday through Friday	8:00 a.m.-11:00 p.m.
Saturday	9:00 a.m.-6:00 p.m.
Sunday	12:00 p.m.-10:00 p.m.

Summer Semester:

Monday through Friday	8:00 a.m.-10:00 p.m.
Saturday	9:00 a.m.-6:00 p.m.
Sunday	Closed

The library is closed on the following days: New Year's Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day through the end of December, and Sundays during summer semester and inter-sessions.

Reference Services

Students may contact the Reference Desk at (312) 362-6894. When classes are in session, reference librarians are available during these hours:

Monday-Thursday: 9:00 a.m.-9:00 p.m.

Friday.: 9:00 a.m.-5:00 p.m.

Saturday: 10:00 a.m.-5:00 p.m.

Sunday: Noon-7:00 p.m.

Reference help is also available through instant messaging; e-chat; email and texting. See the library website for more information: http://vrlplus.cb.docutek.com/depaulaw/vrl_entry.asp.

General Rules and Information

1. Smoking is not allowed in the library.
2. Food is not allowed in the library. Any food found in the library will be confiscated. Beverages must be in covered, spill-proof containers.
3. Never leave personal belongings and valuables unattended! Please report to the Circulation Desk staff anyone behaving suspiciously.
4. Stealing, hiding, or damaging books or other library material is a violation of the DePaul University College of Law Honor Code and of Illinois statutes.
5. Re-shelve books in their proper location, or place them on a book cart after use. Many ranges of stacks have one pull-out shelf to allow for quick consultation of materials. Return these shelves to the storage position after you have finished using them.
6. Talking on a cell phone is not allowed in the library. Please set the ringer to silent or vibrate so as not to disturb other patrons. If you receive a call, please step outside of the library to have your conversation. Library phones are not available for patron use.
7. Restrooms are located on the fourth, fifth, and sixth floors of the library.

Noise

While the library is an area serving many functions and many people, it is primarily a place for quiet study and research. The library staff realizes that circulation business, reference services, and computers unavoidably generate a certain level of noise. Please cooperate and respect the needs of those who wish to study quietly. Keep conversations and any other unnecessary noise to a minimum.

Computer Labs

The Law Computer Lab can be found in Room 513 located in the library. The Law Computer Lab is exclusively for the use of College of Law students, faculty, and staff. The lab has networked personal computers that provide access to Lexis and Westlaw, Computer-Assisted Legal Instruction (CALI) exercises, word processing software, the Internet, and telnet for email. Unauthorized use of Lexis and Westlaw is a violation of the Honor Code and of the College of Law's contracts with these vendors.

Computer lab assistance is provided to DePaul law students by lab assistants and staff, representatives from Lexis and Westlaw. DePaul law students also have access to several other University computer centers. For a current listing of labs on the Loop campus, please see the following web page: <https://www.is.depaul.edu/computers/labs/locations.asp#loop>.

The Computer Lab is not an area for conversation. Although the computers and other equipment do generate some noise, lab users have the right to a quiet work and study environment.

Network Printers

For your convenience, DePaul University uses *Intelliprint*, a print monitoring system that utilizes student ID cards for initialing print jobs. Students pay for printing as needed through Demon Express on their ID cards. The system was designed to protect the environment and control excessive paper use, thereby reducing costs that can affect tuition prices. The law library has three Intelliprint stations, with Value Transfer Stations (VTS) on the fourth floor.

Wireless Printing

The ability to print wirelessly to the *Intelliprint* system using *IPrint from Anywhere* is currently available for students with compatible laptops. With *IPrint from Anywhere*, students print directly from a laptop without first having to transfer documents to DePaul's lab computers in order to print. See the University's IS web page for updates and details: <http://www.is.depaul.edu/intelliprint/index.asp>.

Photocopiers

DePaul Photocopy Services provides the library with six public photocopiers. The copiers do not accept cash. A DePaul ID card reader is attached to each of them. A DePaul Vend Transfer Station is located in the photocopy room on the fourth floor. Students may use the Vend Station to purchase copy cards or transfer money onto copy cards or DePaul ID cards. The Vend Transfer Station accepts bills from \$1 to \$20 but does not accept coins.

Group Study and Conference Rooms

The library has twelve conference rooms for law student study groups to use for discussion and exchange of ideas. When rooms are not reserved for other approved uses, law study groups have priority. A policy statement outlining use of these rooms is available at the circulation desk.

Other Law Libraries in the Chicago Area

Along with five other Chicago area law schools, DePaul Law is part of a consortium known as the Chicago Legal Academic System (CLAS). DePaul law students are permitted to use any CLAS library for research and study. Students must present a valid DePaul ID for admission.

DePaul students may use print resources at these other schools, but use of computer lab facilities at these schools is strictly prohibited. Additionally, DePaul students who wish to borrow books from another CLAS library must first consult a DePaul Law reference librarian, who will arrange for the loan. Hours vary from school to school, and each school retains the right to restrict access during exam periods; therefore, students should phone first to determine hours of availability.

CLAS Libraries	Web Address	Telephone Number
Chicago-Kent 565 West Adams Street Chicago, Illinois 60661	http://library.kentlaw.edu	(312) 906-5670
John Marshall Law Library 315 South Plymouth Court—6th floor Chicago, Illinois 60604	http://www.jmls.edu/library	(312) 427-2737
Loyola University Law Library 25 East Pearson Street. Chicago, Illinois 60611	http://www.luc.edu/law_library/index.html	(312) 915-7200
Northwestern University Law Library 357 East Chicago Avenue Chicago, Illinois 60611	http://www.law.northwestern.edu/lawlibrary	(312) 503-8451
University of Chicago D 'Angelo Law Library 1121 East 60th Street Chicago, Illinois 60637	http://www.lib.uchicago.edu/e/law	(773) 702-9631
		Telephone

Other Chicago area law libraries	Web Address	Number
Cook County 2900 Daley Center--29th Floor Chicago, Illinois 60602	http://www.cookcountygov.com	(312) 443-5423

EXAMPLES

MEMORANDUM

To: [Proper name of party who assigned the project]

From: [For purposes of this course, your Student ID Number]

Re: [Client: Subject Matter]

Date: [Date you are submitting the memorandum]

QUESTIONS PRESENTED

I.

A.

1.

2.

B.

II.

A.

B.

C.

BRIEF ANSWERS

I.

A.

1.

2.

- B.
- II.
 - A.
 - B.
 - C.

FACTS

DISCUSSION

CONCLUSION

The following caption is typical of briefs filed in the federal district courts sitting in the Northern District of Illinois:

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JANE SMITH,)	
)	
Plaintiff,)	
)	
v.)	No. C 47612
)	Judge Thomas
JOHN DOE,)	
)	
Defendant)	

MEMORANDUM IN SUPPORT OF JOHN DOE'S
MOTION TO DISMISS COMPLAINT

(The title of the document located at the bottom of the heading should indicate which party is submitting the brief and the general topic of the brief.)

The following caption is typical of trial briefs filed in the Illinois circuit courts:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JANE SMITH,)
)
 Plaintiff,)
)
 v.) No. 97 L 4617
)
 JOHN DOE,)
)
 Defendant)

DEFENDANT'S MEMORANDUM IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT

(The title of the document located at the bottom of the heading should indicate which party is submitting the brief and the general topic of the brief.)

This is an example of a cover page for an appellate brief filed in the Seventh Circuit:

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT
No. 01 3021

COMMON SCENTS INCORPORATED,

Plaintiff-Appellee,

v.

FANTASY FRAGRANCES CORPORATION,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Illinois,
Eastern Division
No. 01 C 4567

Honorable Patricia M. Clifford, Judge.

BRIEF FOR DEFENDANT-APPELLANT
FANTASY FRAGRANCES CORPORATION

Atticus W. Finch
Warren, Winters & Carter
25 East Jackson Blvd.
Chicago, Illinois 60604
(312) 210-2079
Attorneys for Defendant-Appellant
Fantasy Fragrances Corporation

Oral Argument Requested

This is an **abbreviated** example of a Table of Authorities in an appellate brief:

TABLE OF AUTHORITIES

CASES	PAGE NO.
<u>Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth</u> , 473 U.S. 614, 625 (1985).....	15, 18
<u>Paist v. Town and Country Corp.</u> , 744 F. Supp. 179, 182 (N.D. Ill. 1990)	10
STATUTES	
17 U.S.C. 504 (1999).....	Passim
OTHER AUTHORITIES	
T. Leval, <u>Toward A Fair Use Standard</u> , 103 Harv. L. Rev. 1104 (1990).....	12

(Most word processing systems have a function that assists in the creation of the Table of Authorities and the Table of Contents.)

FORMAT FOR POINT HEADINGS

I. USE A ROMAN NUMERAL TO IDENTIFY THE MAJOR HEADINGS, WHICH SHOULD BE SINGLE-SPACED AND IN ALL CAPITAL LETTERS.

- A. Use capital letters to identify minor headings.
- B. Capitalize and punctuate minor headings like a regular sentence.
- C. Underline minor headings.
- D. Indent minor headings uniformly.
 - 1. Use Arabic numbers to identify subheadings.
 - 2. Capitalize and punctuate subheadings like a regular sentence.
 - 3. Do not underline subheadings.
 - 4. Indent subheadings further than minor headings.
 - a. If necessary to use sub-subheadings, begin them with a lower case letter.
 - b. Capitalize and punctuate sub-subheadings like a regular sentence.
 - c. Do not underline sub-subheadings.
 - d. Indent sub-subheadings further than subheadings.