Advanced Legal Research and Writing
Course Materials

Sara Faherty
Winter, 2015
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Advanced Legal Research, Analysis and Writing
Sara Faherty
LAW 307 H1F; 3 credits, 2 hours
Mondays, 2:10 – 4:00 p.m.
Northrop Frye, Room 332

This course cultivates analytical research and writing skills through problem based learning. The approach will be to use fact situations to hone such skills as: identifying legal issues; formulating research strategies and methodologies; efficiently using relevant secondary sources; usefully integrating print resources with electronic resources; analyzing and synthesizing applicable primary sources; applying critical thinking; and writing clearly and effectively. Class participation entails regular attendance, frequent input into discussion and a short, informal presentation. The development of the skills in this course will assist students in their academic course work and prepare them for their professional careers.

Evaluation: An interoffice memo of 1,500 words (20%); a rewrite of 2,000 words (30%); a longer assignment on advocacy writing of 2,500 – 3,000 words (40%); and class participation (10%).

Required Texts:
- Materials in Law School Bookstore

Class 1: Monday, January 5, 2014
INTRODUCTION
Please read:
- Bedtime Story
  Jeremy Paul..............................................................page 1
- Case Brief Assessment.............................................page 7
- The Anatomy of a Headnote
  Eric Appleby............................................................page 8
- IRAC This! ..............................................................page 9

Topics:
- Internal memoranda.
- Grammar Diagnostic (Optional)
- Case briefs and Case notes

Ungraded writing opportunity (in class): Introduce yourself and tell me why you are taking this class. Where did you go to undergraduate school and what did you study? What is your prior experience with legal writing? Do you know in which area of law you will be practicing? What are your writing goals, strengths, and weaknesses?

Class 2: Monday, January 12, 2014
COURT HIERARCHY I
Please read:
- Legal Research Checklist..............................................page 10
- Reference Tools.....................................................page 13
- The Legal Writing Handbook
  Laurel Oates and Anne Enquist.....................................page 16
- “Demand Letter”
  Bryan Garner, The Redbook........................................page 19

Topics:
- Case Law I—analagizing facts and holdings
- Reading and Briefing Cases
- Group Assignments

Ungraded writing opportunity: prepare a demand letter (in class).
Class 3: Monday, January 19, 2014
COURT HIERARCHY II
Please read:

- Format for an Internal Memo & Rubric .............................................. page 23
- "Document Design"
  Bryan Garner, The Redbook ......................................................... page 24
- Tips on Issues (3, 8, 11, 12)
  Bryan Garner, The Winning Brief .................................................. page 31
- Thorne v. Ontario
  2004 CanLII 192 (ON SC) .......................................................... page 96

Topics:
- Thorne Worksheets (in class)
- Case brief Assessments—peer assessments (in class)
- Research in Primary Sources

Ungraded writing opportunity: prepare a case brief for Thorne.

Class 4: Monday, January 26, 2014
DOING LEGAL RESEARCH
Please read:

- Bryan Garner, The Winning Brief .................................................. page 31
- Tips on Lively Writing (30, 31)
- Bryan Garner, The Winning Brief .................................................. page 51
- "Writing the Introduction and Headings"
  Steven Stark, Writing to Win ....................................................... page 57

Visit from Law Librarian

Class 5: Monday, February 2, 2014
LEGAL CITATION
Please read "Legal Citation" on Bora Laskin Law Library Website:
http://library.law.utoronto.ca/legal-citation

Ungraded writing assignment: draft three wrong citations, on a separate page, give corrected cite, referenced to relevant McGill’s rule(s).

Assignment 1: Inter-office Memorandum—Common Law: Due Monday, February 2—10:30 am in Falconer 109.

Class 6: Monday, February 9, 2014
STATUTES
Please Read:

- Noting Up Case Law
  Nancy McCormack ................................................................. page 72
- Researching Statutes
  Nancy McCormack ................................................................. page 76

Topics:
- Research in Primary Sources: Statutes
- Interpreting Statutes

Monday, February 16, 2014: No class, Reading Week

Class 7: February 23, 2014
REWRITING & EDITING
Please read:

- Point Headings and Sub-Headings................................................................. page 59
- "Using Case law Effectively"
  Steven Stark, Writing to Win................................................................. page 60
- Discussing Multiple Issues: Putting it All Together
  Linda Edwards................................................................. page 64
- Deepening Your Analysis
  Linda Edwards................................................................. page 102

Individual or Dual meetings

Monday, March 2, 2014:
ADVOCACY WRITING

Topics:

- The Appellate setting, the function of the factum: audience and purpose, the format of the factum.
- Tables of Contents
- Ethical considerations
- Civil Litigation and Motion Practice

Assignment 2: Interoffice memorandum—Rewrite: Due Monday, March 2 at 10:30 am

Class 8: Monday, March 9, 2014
MOTION PRACTICE
Please read:

- Organizing for your Reader: The Discussion Section
  Linda Edwards................................................................. page 111
- Tip on the Standard of Review (95)
  Bryan Garner, The Winning Brief................................................................. page 116
- Tip on Winning (97)
  Bryan Garner, The Winning Brief................................................................. page 118
- “Motions”
  Bryan Garner, The Redbook................................................................. page 135

Topics:

- The Appellate setting, the function of the factum: audience and purpose, the format of the factum.
- Tables of Contents
- Ethical considerations
- Civil Litigation and Motion Practice
- Function of Motion Brief: audience and purpose
- Format of Motion Brief
- Oral presentations

Class 9: Monday, March 16, 2014
OTHER DOCUMENTS

“Pleadings”
Bryan Garner, The Redbook................................................................. page 124

“Making Good Arguments”
Wayne C. Booth, The Craft of Research................................................................. page 130
When do you Stop?
Nancy Schultz................................................................. page 141

Oral presentations:
Groups, TBA
ASSIGNMENTS & DUE DATES

Please use required cover page (form) and print double-sided.

Assignment 1: Inter-office Memorandum
Due Monday, February 2, 10:30 am in Falconer 109.

Assignment 2: Substantial Rewrite of Inter-office memorandum
Due Monday, March 2, 10:30 am in Falconer 109.


Assignment 3: Motion Brief
Due Date: Thursday, April 23, 10:00 a.m. in Falconer 109 (Deadline for all second term written submissions.)