SCHOOL OF LAW
Year 2008/09 Term 2

LAW106      LEGAL RESEARCH AND WRITING

Instructor:   Naomi Herman

Tel:         9668-4510
Email:       naomiherman@smu.edu.sg
Office:      TBA

COURSE DESCRIPTION

This course builds on the basic legal skills of case analysis and statutory interpretation taught in Legal System, Legal Method & Analysis in Term 1. The main objective of this course is to develop practical skills in legal analysis, research, writing and advocacy in first year law students. Drafting, interviewing and mediation skills will also be touched upon. The above skills will be taught in the context of legal problems in contract law, criminal law and/or tort law. The first half of the course focuses on predictive/objective writing and the basics of legal research (including how to find and use primary and secondary legal sources). The second half of the course focuses on persuasive writing, culminating in a moot court exercise.

By the end of the course, students should have acquired the following fundamental lawyering skills:

1. Ability to analyse facts and identify legal issues;
2. Ability to find the applicable law (whether caselaw or statute), using print and electronic legal research tools/resources;
3. Ability to analyse how that law applies to the facts in the case, so as to ascertain the parties’ rights, obligations and options;
4. Ability to communicate the foregoing effectively, in writing and orally, to different audiences (eg client, law firm partner, court).

PRE-REQUISITE/ CO-REQUISITE/ MUTUALLY EXCLUSIVE COURSE(S)

Legal System, Legal Method & Analysis

RECOMMENDED TEXT AND READINGS

Richard K Neumann, Jr
Legal Reasoning and Legal Writing, 5th ed.

Additional readings will be assigned via SMUVista AND separate reading lists.

**ASSESSMENT METHOD**

Class participation: 15%
Two predictive writing assignments: 30% (legal memo: 20%; opinion letter: 10%)
Appellate brief: 35%
Oral arguments: 20%

Final Examination: NONE

**COURSE METHODS**

As this is a skills course where students learn by doing, students will be given a series of assignments to hone their analytical, research, writing and advocacy skills. A mixture of interactive teaching methods will also be used eg mooting, debates, presentations, small group discussions, role-plays.

**CLASS SCHEDULE**

Additional readings to be announced

**Week 1:** **Basics of Legal Writing**
- Introduction to legal research and writing
- Writing skills: paragraphs, grammar, punctuation, quotations
- SAL citations
- *Legal Research: Westlaw/LexisNexis Training*
- *Reading:*
  Neumann Chapter 18


**Week 2:** **Basics of Legal Writing/Briefing Cases**
- Writing Skills: Plain English, active vs. passive voice
- Briefing cases
- *Legal Research: Finding UK & Singapore law using Mallal’s & Halsbury and noting up cases using print and online resources*
- *Reading:*
  Neumann Chapters 4-6, 19

_Fletcher v. Rylands_ (1866) L.R. Exch. 265 (Exch Chamber) Read the case and bring a copy to class

- **Exercises:**
  - CALI Exercise: Punctuation and Grammar Basics for Law Students

**Week 3:** *Predictive Writing*

- Introduction to legal memos and predictive writing
- Predictive writing skills
- CRuPac organization of legal proofs
- *Legal Research: Using electronic databases to find secondary sources*
- **Reading:**
  - Neumann Chapters 7, 9-13, Appendix C


Gertrude Block, Effective Legal Writing (5th ed 1999) pages 257-289 available in course reserve room.

- **Exercises:**
  - Neumann Chapter 10 Exercise I
  - CALI Exercise: Punctuation and Grammar: Advanced

*Bring your copy of Neumann to class*

**Week 4** *Predictive Writing and Analytical Skills*

- Working with precedents, statutes, and facts
- Question Presented/Brief Answer, and Facts section of Legal Memos
- Synthesizing cases
- *Legal Research: Statutory Research*
- **Predictive Writing Assignment 1 (20%) Legal Memo (1,500 to 2,000 words) - Due Week 6**
- **Reading:**
  - Neumann Chapters 14-17


Low Siew Ling, “Citing Legal Authorities in Court” 2004 16 SAcLJ

- **Exercises:**
Prepare a brief of the following case. Bring the case and the brief to class: Mandla and another v Dowell Lee and another, [1983] 1 All ER 1062

Week 5: Predictive Writing and Client Interviewing
- Revising and editing
- Client interviewing
- Writing for different audiences (Client vs. Law Firm Partner)
- **Predictive Writing Assignment 2 (10%) Client Memo based on Assignment 1 (750-1,000 words) - Due Week 7**
- **Reading:**
  Neumann Chapter 8, 21, 22, Appendix D and Appendix E


  **Role Playing Exercise:** Each student should think of a personal experience where they did or could have consulted an attorney. If you have never been in this situation, you can use the experience of a family member, friend or even TV character as long as you are familiar with the circumstances surrounding the incident.

Week 6: Drafting Skills
- Drafting principles and exercises
- Law school exams
- **Assignment 1 Due**
- **Reading:**


Week 7: Persuasive Writing
- Developing a persuasive theory
- Developing a persuasive argument
- Appellate briefs
- Headings
- Statement of the Case
- **Assignment 2 Due**
• **Receive Brief Bundle for Assignment due Week 12**

**Reading:**
Neumann Chapter 24, 25, 28-30, 32, 33, Appendix G and Appendix H

**Week 8:** Mid Term Break

**Week 9:** Persuasive Writing

- Questions Presented
- Summary of the Argument
- **Reading:**
  
  Rule 1, Legal Profession (Professional Conduct) Rules (2000 Rev Ed)
  
  
  

  The Respondent's Skeletal Submissions in *Public Prosecutor v. Ridzuan Bin Mohamad Hanafi*, which is available on Vista.


**Week 10:** Persuasive Writing

- Student conferences

**Week 11:** Advocacy Skills

- Oral argument skills and exercises
- **Reading:**
  Neumann Chapter 34

**Week 12:** Negotiation Workshop

- Negotiation exercise
• Debrief of the negotiation Exercise
• Oral argument follow up
• Brief: Submit brief and exchange for use in the Moot Court Week 13 (35%)

Week 13: Moot Court
• Students to present oral agreements (20%)