

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	14
LARC Collaboration Policy . . . Research Methods and Sources . . . Collaboration on Assignments . . . Academic Integrity Pledge . . . Permissible Acts . . . Impermissible Acts	
Grading	17
Scoring . . . Participation, Civility, and Professionalism . . . Anonymous Grading	
Writing Skills	19
IRAC . . . Clarity of Expression	
The DePaul Vincent G. Rinn Law Library	21
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 2015-16*, available online at the College of Law website, and *The Bluebook: A Uniform System of Citation*, 20th 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.

Two textbooks are required for all Second Year students in LARC III: the *DePaul University College of Law Legal Analysis, Research, and Communication Manual 2015-16*, available online at the College of Law website, and *The Bluebook: A Uniform System of Citation*, 20th edition.

Course Requirements

In order to receive credit for LARC I, II, and III, students must satisfactorily complete all writing and citation assignments, the memo capstone assignment, the two Bluebook Quizzes, the Writing Composition Quiz, and two oral arguments. Any student who fails to complete any semester's course requirements will fail the course for that semester. 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 step. The penalty for a student who misses three or more LARC classes in any semester is a failing grade. 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 in different formats, 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, a trial brief, and an appellate brief. They also present two oral arguments to mock judges.

Because LARC classes are 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 conferences. The conferences are designed to help students work through analytic difficulties while they are in the process of writing an assignment; conferences require students critically to evaluate their progress.

Students may also receive guidance from their teaching assistant. The teaching assistant is a Second Year 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 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 2015

Your grade in LARC I consists of 75 points, coming from your scores on written assignments, Bluebook exercises, and a conference. LARC professors may raise or lower a student's grade by a 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 8/17	American legal system; case briefing	Case Brief		

Week of	In-Class Skill	Assigned	Due	Returned
Two 8/24	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; Bluebook Exercise 1– 2 points	Case Brief	Sample Case Briefs
Three 8/31	Synthesis; illustration of precedent; BB R. 10.4, 10.5	Memo on Law 1000 words ; BB Exercise 2– 2 points	Rule Outline; BB Exercise 1	Case Brief; Model Outline
Four 9/7	Rules and synthesis, continued; BB R. 10.2.1(c-d), 10.2.2; T 6, 10	BB Exercise 3– 2 points	BB Exercise 2	Rule Outline; BB Exercise 1
Five 9/14	Analogy and distinction; BB R. 10.9, 4.1	BB Exercise 4– 2 points	Memo on Law; BB Exercise 3	BB Exercise 2
Six 9/21	Facts, inferences, and legal conclusions; BB R. 10.2.1(a-b), (e-f)	Fact Application– 750 words ; BB Exercise 5– 2 points	BB Exercise 4	BB Exercise 3
Seven 9/28	In-class workshop; BB R. 10.2.1(g-h), 6, 7	BB Exercise 6– 2 points	BB Exercise 5	Memo on Law; BB Exercise 4
Eight 10/5	Large-scale organization of Discussion section of office memo; BB R. 5; T 7	BB Exercise 7– 2 points	Fact Application; BB Exercise 6	BB Exercise 5

Week of	In-Class Skill	Assigned	Due	Returned
Nine 10/12	Large-scale organization; outlining; headings	Discussion Outline	BB Exercise 7	Fact Application; BB Exercise 6
Ten 10/19	In-class feedback on Discussion Outline; BB R. 1.2, 1.3, 1.4, 1.5	Memo— 3000 words; 50 points ; BB Exercise 8— 2 points	Discussion Outline	BB Exercise 7
Eleven 10/26	Components of office memo; BB R. 12; 10.7; T 8, 9	BB Exercise 9— 2 points ; BB Exercise 10— 2 points	BB Exercise 8	Discussion Outline
Twelve 11/2	Small group conferences— 5 points			BB Exercise 8 (available at regular class time)
Thirteen 11/9	Research			
Fourteen 11/16	Research			
Fifteen 11/23			Memo, BB Exercise 9, and BB Exercise 10 due on Tuesday, November 24, 2015	

LEGAL ANALYSIS II SYLLABUS—SPRING 2016

Your grade in LARC II consists of 120 points, coming from your scores on written assignments, Bluebook exercises, a conference, the Memo Capstone assignment, the Bluebook Quiz, and the Writing Composition Quiz. LARC professors may raise or lower a student’s grade by a 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 1/11	Research: finding tools, secondary resources; research strategy			Fall Memo; Fall Bluebook Exercise 9; Fall BB Exercise 10
Two 1/18	Use of precedent; statutory construction; Bluebook Rules 16, 15, 4.2, 3.2; Table 13	Research Log and Rule Outline; Bluebook Exercise 1– 2 points		
Three 1/25	In-class feedback on Research Log and Rule Outline; Question Presented and Brief Answer refresher; receiving an assignment from a supervisor; reporting to the supervisor	Direct Response Memo– 10 points	Research Log and Rule Outline; BB Exercise 1	Research Log and Rule Outline
Four 2/1	Research refresher; in- class research exercises; working as a group	Research Plan and Outline of Results; Predictive Memo– 3750 words; 25 points	Direct Response Memo	BB Exercise 1
Five 2/8	Reports to the supervisor– 5 points		Research Plan and Outline of Results	Direct Response Memo (available at regular class time)

Week of	In-Class Skill	Assigned	Due	Returned
Six 2/15	Editing			Research Plan and Outline of Results
Seven 2/22	Function of court documents; persuasive writing; Argument section of Trial Brief; BB R. 10.3.1(a); T 1	BB Exercise 2– 2 points	Predictive Memo	
Eight 2/29	Persuasive and unpersuasive argumentation; fallacy arguments; coping with adverse authority	Trial Brief– 3000 words; 35 points	BB Exercise 2	
Nine 3/7	BB R. 18; in- class workshop on Argument section of Trial Brief	BB Exercise 3– 2 points		Predictive Memo; BB Exercise 2
Ten 3/14	Elements of trial brief; point headings		BB Exercise 3	
3/21	Spring Break			
Eleven 3/28	Persuasive statement of facts			BB Exercise 3
Twelve 4/4	Bluebook and writing composition refresher		Trial Brief	
Thirteen 4/11	Memo Capstone Exercise– 9 points			

Week of	In-Class Skill	Assigned	Due	Returned
Fourteen 4/18	Bluebook Quiz– 15 points ; Writing Composition Quiz– 15 points			

LEGAL ANALYSIS III SYLLABUS–2015-16

Your grade in LARC III consists of 135 points, coming from your scores on written assignments, a Bluebook Quiz, conferences, and oral arguments. The LARC professors may raise or lower a student’s grade a 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 Argument– 2500 words		
Two	Research and use of legislative history; BB R. 13; T 9; out of class: advanced CALRI	Reading: John V. Sullivan, <u>How Our Laws are Made</u> , available at http://thomas.gov/home/lawsmade.html and <u>Plagiarism and the Bar Examiners</u>		

Week	In-Class Skill	Assigned	Due	Returned
Three	Bluebook refresher; executing an integrated research strategy; drafting strategies for quoting and paraphrasing; research exercise	Reading: Wayne Schiess, <u>Ethical Legal Writing</u> , 21 Rev. Litig. 527 (2002)	Trial Brief Argument	
Four	Motion practice; drafting motions for the trial court; memoranda in support of motions; Bluebook Quiz– 10 points	Reading: <u>Milavetz v. United States</u> , 559 U.S. 229 (2010) and Scalia, J. concurrence at 253-54; Motion– 10 points ; Trial Brief– 3750 words; 30 points		
Five	Conferences– 5 points			Trial Brief Argument
Six	Oral argument of a trial brief; synthesizing the law; distilling the arguments	Reading: Judge Loren McMaster, <u>Ten Tips for Presenting Better Oral Argument</u> , Sacramento Lawyer; oral argument on Trial Brief– 10 points		

Week	In-Class Skill	Assigned	Due	Returned
Seven	Function of appellate briefs; theory of the case; standard of review; tactical considerations for appellate argumentation	Reading: Practitioner's Handbook for Appeals, available at ca7.uscourts.gov/Rules/handbook.pdf ("Handbook") pp. 3-7, 103-107, 14-68; Argument Section of Appellate Brief– 5000 words	Motion; Trial Brief	
Eight	Oral arguments on Trial Brief			
Nine	Consistency arguments; legal policy arguments; public policy arguments	Reading: Stephanie Vaughn, <u>Persuasion is an Art . . . But It Is Also an Invaluable Tool in Advocacy</u> , 61 Baylor L. Rev. 635 (2009)		Motion; Trial Brief
Ten	Form and elements of appellate brief; facts on appeal; use of the record; persuasive Questions Presented for Review	Reading: Hon. Clyde Hamilton, <u>Effective Appellate Brief Writing</u> , 50 S.C.L. Rev. 581 (1999); Handbook, pp. 69-71, 90-96, 117-26; Appellate Brief– 8750 words; 50 points	Appellate Argument	

Week	In-Class Skill	Assigned	Due	Returned
Eleven	Final edits; compliance with appellate rules; persuasive writing techniques	Reading: Jane R. Roth, <u>Persuading Quickly: Tips for Writing an Effective Appellate Brief</u> , 11 J. App. Prac. & Process 443 (2010)		
Twelve	Conferences– 5 points			Appellate Argument
Thirteen	Appellate advocacy	Reading: Judge Stephen J. Dwyer et al., <u>Effective Oral Argument: Six Pitches, Five Do's, and Five Don'ts from One Judge and Two Lawyers</u> , 33 Seattle U. L. Rev. 347 (2010); Handbook pp. 147-54; oral argument on Appellate Brief– 15 points	Appellate Brief	
Fourteen-Fifteen	Oral arguments			

Administration

Director of Legal Analysis, Research, and Communication:

Professor Susan E. Thrower
 Email: strower@depaul.edu

Associate Director of Legal Analysis, Research, and Communication:

Professor Martha Pagliari
Email: mpagliar@depaul.edu

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 or administrative matters should see Professor Thrower.

Assignment Format

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. Each page, beginning with the second page, must bear a page number. LARC professors may establish other requirements for assignment format, such as a particular font. Students who are unsure as to whether an assignment complies with format requirements should check with their LARC teaching assistants or professors 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 their LARC Professor's ARES site. 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 or re-consideration. 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. Papers on ARES are available for students' reference and guidance and do not represent the last word on any LARC subject.

Late Papers

Students must turn in all assignments at the beginning of the class in which they are due, except for the Fall semester Memo, Bluebook Exercise 9, and Bluebook Exercise 10, which are due on November 24, 2015. 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 6:00 p.m. on December 4, 2015 for Fall semester assignments and by 6:00 p.m. on April 25, 2016 for Spring semester assignments, or they will fail LARC for that semester.

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. Students who print out assignments at the College of Law will find that they are competing with 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 unforeseeable nor rare, and they do not constitute an excuse for a late submission.** Students should protect themselves by backing up their work often and printing out hard copies at reasonably frequent intervals. Students can do themselves a big favor by finishing their assignments and printing 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 work on time!

Academic Integrity

All College of Law students are governed by the University’s Academic Integrity Policy, available on the University website at www.depaul.edu. The policy prohibits plagiarism and requires students to be honest in their academic endeavors. **Violations of this policy 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 phrases or sentences 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, students may not consult anyone, including a spouse, significant other, roommate, family member, attorney, judge, law faculty member, or other law students—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 outside resources.

Impermissible use of computerized research, including Lexis, Westlaw, Findlaw, Loislaw, google, yahoo, or any other search engine, constitutes a violation of the Academic Integrity Policy.

Collaboration on Assignments

Citation Assignments: First Year students may collaborate on any citation exercise with other First Year students, 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 exercise or writing assignment.

Writing Assignments: First Year students may discuss legal theories and analytic approaches with other First Year students during any stage of any writing assignment. Second Year students may discuss legal theories and analytic approaches with other Second Year students who are then taking LARC III during any stage of any writing assignment. For individual assignments, as opposed to team-based assignments, 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. Students may not consult anyone, including a spouse, significant other, roommate, family member, attorney, judge, law faculty member, or student in another year of law school—other than their LARC professor or their teaching assistant—about research methods, sources, the workings of legal rules, or the application of law to fact. Unless a specific assignment is a group assignment, students may continue to discuss theories and analysis with other students while they are writing, but 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; in other words, students must do their own work. 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

When preparing any LARC assignment, students may:

Discuss any assignment with their LARC professor or their teaching assistant at any time.

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

When preparing any individual LARC assignment, students may not:

Divide research tasks.

Consult anyone outside of the LARC program, including a spouse, significant other, roommate, family member, attorney, judge, law faculty member, or student in another year of law school about research methods, sources, the workings of legal rules, or the application of law to fact.

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.

Show any portion of their writing, whether that writing is printed out on paper or is on a computer screen or is stored electronically, or read any portion of their writing to any person—whether that person is a student, family member, or otherwise—for any reason, including the receipt of assistance on any task, including organization, analysis, editing, or proofreading, with the exception of their LARC professor and their LARC teaching assistant.

Review, whether visually or aurally, 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, including organization, analysis, editing, or proofreading.

A student who is, at any time, uncertain as to whether an act is permissible should consult his or her LARC professor, Professor Thrower, or Associate Dean Burns.

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, students 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 DePaul's faculty and administration to certify students' fitness to practice law. To that end, DePaul's faculty wants to ensure that students have the civility and professionalism skills that their newly chosen profession demands.

Merely telling students what civility and professionalism are would be insufficient to help them learn; students must also have a chance to practice those skills. Civil, professional behavior leads 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

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).

²² 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.").

or lower a student's final grade by a half a step (for example, from C to C+ or from A to A-) 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
- (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 written 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 through 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 comparison becomes the basis on which the writer predicts or persuades the reader as to the likely outcome of the client's situation. Application is the place in the analysis in which the abstract law translates into an outcome. Often, however, it 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 federal 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:

Allen R. Moye
Associate Dean for Information Technology and Library Services
Email: amoye@depaul.edu
(312) 362-6893

Law Library Hours:

Circulation Desk--(312) 362-8121
Library’s website: <http://www.law.depaul.edu/library/Pages/default.aspx>

Fall and Spring Semesters:

Monday through Thursday 8:00 a.m.-11:00 p.m.
Friday 8:00 a.m.-8:00 p.m.

Saturday 9:00 a.m.-8:00 p.m.
Sunday 10:00 a.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 University-observed holidays: New Year's Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Eve Day through the last day of December.

Reference Services

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

Fall and Spring Semesters:

Monday through Thursday 10:00 a.m.-7:00 p.m.
Friday 10:00 a.m.-5:00 p.m.

Summer Semester:

Monday through Thursday 10:00 a.m.-6:00 p.m.
Friday 10:00 a.m.-5:00 p.m.

Reference help is also available through instant messaging, e-chat, email, and texting. See the library website for more information: <http://www.law.depaul.edu/library/services/Pages/online-reference.aspx>

General Rules and Information

1. Students should not leave personal belongings and valuables unattended. Please report any suspicious activity to the circulation desk staff.
2. For security reasons, the library has installed a system at the exit that causes an alarm to sound if a patron attempts to leave the library with material that has not been properly checked out. Occasionally, certain briefcases, notebooks, and other items containing metal may activate

the alarm. If the alarm rings, please return to the circulation desk, and comply with the requests of the attendant on duty.

3. The library maintains a Lost and Found box at the circulation desk. Items unclaimed within twenty-four hours are forwarded to the University's Public Safety Office, located on B1 of the Lewis Building.
4. Students should re-shelve books in their proper location or place them on a nearby book cart when no longer needed. Many ranges of stacks have one pull-out shelf to allow for quick consultation of materials. Students should return these shelves to the storage position after using them.
5. Smoking is **prohibited** in all areas of the library.
6. Carrying or consuming alcoholic beverages is **prohibited** in all areas of the library.
7. Beverages (non-alcoholic only) must be in covered, spill-proof containers. Students must limit consumable food to pre-packaged snacks or small pieces of fruit. Aromatic or greasy food is prohibited; either can damage books and furnishings. Please place all trash or garbage in an appropriate receptacle.
8. Stealing, hiding, or damaging books or any other library material is a violation of the DePaul University College of Law Honor Code and of Illinois law.
8. Students may not use cell phones in the library. Please place ringers on silent or vibrate so as not to disturb other patrons. Students should step outside of the library to use their cell phones. Library phones are not available for patron use.
9. 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 Access

Wireless internet access is available throughout the library. Additionally, a computer lab is located in room 513 in the library. The lab is for the use of College of Law students, faculty, and staff. The Lab has networked workstations that provide access to Lexis, Westlaw, Bloomberg Law, Computer-Assisted Legal Instruction (CALI) exercises, word processing software, and the Internet. Please note that any unauthorized use of Lexis or Westlaw is a violation of the Honor Code.

Law students have access to several other University computer labs throughout the Loop Campus. Please see <http://offices.depaul.edu/is/services/labs-classrooms/computer-labs/Pages/default.aspx>

Network Printers

For students' 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 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. See the University's IS web page for updates and details: <http://offices.depaul.edu/is/services/labs-classrooms/Pages/How-To-Use-Intelliprint.aspx>

Photocopiers

The library has three photocopiers. Each has a duplexer and a paper feeder attached. Copies are ten cents per page. The photocopiers do not accept cash. Students must use a Demon Express copy card or DePaul ID. To purchase or add money to a copy card, students must use the DePaul VTS, located in Copy room 402. The VTS machine accepts \$1, \$5, \$10, and \$20 bills. Alternatively, students can add money to a Demon Express account through Campus Connect using a credit card. Please report any photocopier problems to the circulation desk staff.

Group Study and Conference Rooms

The library has thirteen conference rooms. These rooms are typically unlocked at the beginning of the day and are available on a first-come, first served basis. Law students receive priority in the use of these rooms. On occasion, library staff will reserve a room for official library business and will post a notice on the door.

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
Other Chicago area law libraries	Web Address	Telephone 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, a fictional name or the writer's Student ID Number]
Re: [Client: Subject Matter]
Date: [Date the writer submits 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.

Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth,
473 U.S. 614, 625 (1985)..... 15, 18

Paist v. Town and Country Corp.,
744 F. Supp. 179, 182 (N.D. Ill. 1990) 10

STATUTES

17 U.S.C. 504 (1999)..... Passim

OTHER AUTHORITIES

T. Leval, Toward A Fair Use Standard,
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.