

MASSACHUSETTS SCHOOL OF LAW at ANDOVER
Writing and Legal Advocacy, Spring, 2025

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COURSE DESCRIPTION: This class focuses on the attorney’s role as an advocate in the trial and appellate courts. Students receive hands-on training in finding the law to evaluate and address their clients’ situations. As attorneys in a law firm, students draft a legal memorandum to a trial court and, later in the semester, an appellate brief. They are placed on opposite sides for the trial court memo, and then switch places when they are assigned the appellate brief, so that they will have had the opportunity to represent both sides. The court documents are graded and reviewed individually with the students by the professors, who act as the senior attorneys in the law office. Students then rewrite, edit, do further research, and then resubmit to the “senior attorney,” before the document is submitted to the court. In addition to teaching persuasive writing, this course reinforces the substantive law that is tested on the bar examination, as well as current courses the students are taking, such as Constitutional Law, Criminal Law, Family Law, and Evidence. At the conclusion of the semester all students are considered for the Writing & Legal Advocacy Competition, where finalists compete for Best Advocate and Best Brief. After you register for this course, email Professor Kaldis, and indicate whether you have registered for the 11:00, 4:30 or 6:00 class. Please also sign up on TWEN (available mid-December) as the class materials and assignments will be posted there.

GOALS & OBJECTIVES:

1. Learning to write and argue clearly and effectively as an advocate before the court.
2. Becoming proficient in the use of legal research tools and methods.
3. Learning electronic legal research and using computers for drafting legal papers.
4. Becoming competent in persuasive legal writing, citation form and legal analysis.
5. Developing persuasive skills in oral advocacy before trial and appellate courts.
6. Learning to balance Advocacy, Civility and Responsibility to the court.

COURSE COMPETENCIES:

- Know how to consistently apply IRAC/TRAC.
- Know relevant facts and use them when writing an argument by analogy.
- Know how to construct a written argument.
- Know proper legal citation format.
- Know what a standard is and how trial & appellate courts apply standards.
- Know the authority of the court.
- Know how to do computer-aided legal research.

GRADES: short assignments, (30%) court documents, (50%) and oral argument (20%).

PLAGIARISM & OTHER UNETHICAL CONDUCT: While this course promotes cooperation among lawyers working on a client’s case, students will not write together, submit work they did not create, or use sources without proper reference. As future attorneys and officers of the court, students in this class will be held to the highest standards.

ASSIGNMENTS AND CLASS TOPICS

Week 1 –IDENTIFYING THE ISSUES IN YOUR CLIENT’S CASE

TUESDAY – 1/21

1. Course objectives and requirements.
2. Differences between office memo, trial court memo, and appellate brief.
3. The attorney as advocate, advisor, and officer of the court.
4. Assignment of memorandum in the trial court.
5. Assignment of sides.
6. ***Assignment 1-*** The issue(s) before the trial court.

THURSDAY – 1/23

1. Go over assignment 1.
2. Analyze the relevant facts and legal issue(s) before the trial court.
3. Formulate a theory of the case.

Week 2 – RESEARCHING YOUR CLIENT’S CASE

TUESDAY– 1/28

1. Prepare a specific research plan.
2. Library/research exercise to find authority for the trial court memorandum.

THURSDAY – 1/30

1. Finish research.
2. ***Assignment 2*** – reading with a purpose: how have courts ruled: legal standard.

Week 3 – DRAFTING THE ARGUMENT

TUESDAY – 2/4

1. Format of the Memorandum in the Trial Court.
2. Checklist and sample memos.
3. Using cases that define the legal standard.
4. ***Assignment 3 – Legal Standard.***: Using cases that define the legal standard; draft a paragraph with three cases that illustrate the same rule of law.

THURSDAY – 2/6

1. Go over Assignment 3.
2. Compare using one case to compare/contrast fact pattern with using a line of cases that stand for the same legal standard.
3. ***Assignment 4 – TRAC exercise.*** Argument by analogy and distinction; using illustrative cases to compare on the facts with the hypothetical (or real) case.

Week 4 – FINISHING THE MEMO – CITATION AND EDITS

TUESDAY – 2/11

1. Discussion on drafting the argument and editing.
2. ***Assignment 5,*** Citation exercise.
3. Last minute questions/problems on drafting memorandum.

THURSDAY – 2/13

1. ***Memorandum in the trial court due.***
2. **Introduction to Oral Advocacy.**

Week 5 – ORAL ADVOCACY

TUESDAY – 2/18

1. Individual Conferences to review graded drafts of memoranda.
2. Rewrite due next Tuesday.

THURSDAY – 2/20

Students do practice oral arguments in the trial court.

Week 6 – FINAL DRAFT OF TRIAL COURT MEMORANDUM

TUESDAY – 2/25

1. Final trial memo due.
2. Practice arguments.

THURSDAY – 2/27

1. Practice arguments.
2. *Assignment 6* – oral argument critiques.

Week 7 – TRIAL COURT DECISION & APPELLATE PROCEDURE

TUESDAY– 03/4

1. Graded final drafts of trial memoranda returned to students.
2. **Assignment 7** – judge’s decision.
3. Discussion of Appellate Procedure.

THURSDAY – 3/6

1. Assignment of Appellate Brief.
2. Formulating the lawyer’s theory of the case and research strategy.
3. **Assignment 8** – appellate issues.

Week 8 – INTRODUCTION TO APPELLATE ADVOCACY

TUESDAY – 3/11

1. Discussion of issues, argument, research for brief.
2. Discussion of the Court’s Authority and Standard of review.
3. **Assignment for next class** – review appellate brief rules.

THURSDAY – 3/13

1. Discussion of MSL appellate rules.
2. Format of brief.
3. **Assignment 9** – headings and sub-headings of argument.

Week 9 – 3/17-3/21 - SPRING BREAK

Week 10 – DRAFTING THE ARGUMENT, RESEARCH & ORAL ADVOCACY

TUESDAY – 3/25

1. *Appellate Brief, Argument Section due.*
2. Practice arguments: students sign up for final arguments and choose partners.

THURSDAY – 3/27

1. Practice arguments.
2. *Assignment 10 – oral argument critiques.*

Week 11 – ORAL ADVOCACY, PREPARATION OF FULL BRIEF

TUESDAY – 4/1

1. Individual conferences to review graded argument.
2. Prepare entire brief for next week.

THURSDAY – 4/3

Practice arguments.

Week 12 – FULL BRIEF DUE

TUESDAY – 4/8

1. *First full draft of Appellate complete brief due.*
2. Oral argument practice.

THURSDAY – 4/10

Oral argument Practice.

Week 13 - REVIEW FULL BRIEFS

TUESDAY – 4/15

Individual Conferences to review graded appellate briefs.

THURSDAY – 4/17

1. Oral argument practice.
2. *Assignment 10* – Appellate argument critiques.

Week 14 – FINAL BRIEFS

TUESDAY– 4/22

Final appellate briefs due.

THURSDAY – 4/24

Practice arguments.

Week 15 – FINAL ARGUMENTS

TUESDAY – 4/29

Final Oral Arguments