

PROFESSIONAL WRITING STRATEGIES

FALL 2021 SYLLABUS

Professor:	Kathryn Shotwell
Office:	LSS Suite (TBD)
Office Hours:	By Appointment
Email:	kshotwel@central.uh.edu
Class Sessions:	Monday & Wednesday: 9:00 am – 10:30 am Mandatory one-on-one conferences are held 3 times during the semester. *
Class Room:	TBD

Course Description:

This course introduces students to the **Multistate Performance Test (“MPT”)**, which is a component of the Uniform Bar Exam (“UBE”). Through this course students will learn the skills necessary to successfully complete the MPT and hone legal writing and analysis skills. Students will receive regular feedback regarding their individual MPT performance. Additionally, students will gain numerous strategies to attack the MPT and to accomplish the following tasks, as set forth by the National Conference of Bar Examiners:

- (1) sort detailed factual materials and separate relevant from irrelevant facts;
- (2) analyze statutory, case, and administrative materials for applicable principles of law;
- (3) apply the relevant law to the relevant facts in a manner likely to resolve a client’s problem;
- (4) identify and resolve ethical dilemmas, when present;
- (5) communicate effectively in writing; and
- (6) complete a lawyering task within time constraints.

Course Objectives:

Upon completion of this course, the student should be able to demonstrate the following:

1. Organization and management of a legal task under timed conditions.
2. Communication of effective legal analysis and reasoning as it pertains to the specific task assigned.
This objective includes:
 - a. articulating relevant legal principles from the MPT library

- b. discerning relevant facts from irrelevant facts within the case file.
 - c. clearly explaining how the relevant legal principles from the MPT apply to the relevant facts mentioned in the MPT to reach a thorough and complete answer.
3. A method by which to problem solve the information provided on the MPT.
 4. Recognize and resolve ethical dilemmas within the confines of the applicable ethical standards of lawyering.¹

Reading Materials:

Required: Sara Berman, *Bar Exam MPT Preparation & Experiential Learning For Law Students*, American Bar Association 2017, ISBN: 978-1-63425-845-6; e-ISBN: 978-63425-846-3

Attendance Policy:

- As the COVID virus continues to impact the greater Houston area, the mode of instruction for this class will now be 100% Distance Education. This means no physical classroom is assigned for this course. We will meet virtually via Zoom every week at our assigned classtime for a synchronous internet videoconferencing class session. However, other, more flexible modalities are possible, such as not using some of the scheduled class sessions to meet but instead supplementing with asynchronous distance education techniques. For those of you who have been pandemic style remote learning in past semesters this should be familiar. For anyone who is not familiar with the format or participation requirements (video's on, mics muted unless speaking) of a zoom classroom, please feel free to reach out to me to discuss: kshotwel@central.uh.edu.

Grading Policy:

20% Assignments & Participation

- Assignments must be typed and submitted prior to the deadline (see course calendar for deadlines and instructions). If the assignment is submitted late, the student will receive 50% reduction on the assignment. Assignments submitted 24 hours after the deadline will not receive any credit. Assignments will be considered late when submitted after the stated deadline on the course calendar.
- Assignments will be graded on a good faith basis. Assignments that receive good faith points allow students to make some honest errors without receiving a point deduction. The professor determines honest errors. Where a student puts forth a good faith effort appropriate for graduate level study that is reflected in the submitted work, the student is likely to receive the full point allocation. Where a student's work does not reflect a full good faith effort, points will be deducted at the professor's discretion. Examples of submissions that do not reflect a good faith effort include a submission that does not follow instructions, is incomplete, late, does not reflect adequate thought and consideration, copies or uses someone else's work as their own, or one that is poorly edited and cannot be easily understood.

40% Midterm

- The midterm will consist of one 90-minute MPT.

¹ The above objectives are a summary of the listed skills outlined and described by the National Conference of Bar Examiners.

40% Final

- The final will be a three-hour assessment consisting of two MPTs.

Student Participation:

You are expected to discuss the assigned material in depth, so please make a commitment to be prepared. Your advanced preparation gives you the best opportunity to appropriately contribute and participate in our class discussion.

I reserve the right to raise a grade by one grade increment (ex: B to B+) for significant and consistent work that exceeds the normal expectation of the class, as determined in my sole discretion. This would entail outstanding work on all aspects of the class—quality, not quantity matters most in this situation.

I also reserve the right to lower a grade by one grade increment (ex: B to B-) for significant and consistent work that does not meet the normal expectation of the class. This reduction can result from a combination of unpreparedness, not paying attention in class and absences (even if you are within the six-absence limit).

Student Responsibilities When Absent:

If a student is absent from class, the student has the obligation to reach out to the instructor, obtain all missed content, and submit all missed assignments. To assist in this effort, class assignments and presentations are posted to Blackboard after each class (as best possible). *The missed material must be completed and submitted to the instructor prior to the next class meeting.* Failure of the instructor to post the assignments does not relieve the student of the duty to reach out and ask for the missed assignments in a timely manner. For example, if a student misses a Monday 9 am class (of a M/W 9 – 10:30am class section), the student must complete all assignments from that class meeting before class begins on Wednesday at 9am. Any assignment not timely completed will be deducted from the Completion portion of the student's grade. Late assignments will not be accepted.

Honor Code:

The UHLC Honor Code applies to this class. It is set forth in its entirety in the Student Handbook. You are responsible for knowing the provisions of the UHLC Honor Code, and for full compliance with all of the UHLC Honor Code provisions. Failure to do so will result in referral to the UHLC Honor Court, and may result in you failing this class.

Computer and Phone Use:

The permitted use of personal computers in the classroom is permitted solely for the purpose of completing class assignments (i.e. MPTs, note taking). Specifically excluded from in-class computer usage is anything beyond these activities, e.g., “surfing the web” and messaging. When we are not completing an assignment for this class, your computer should be put away. Nonparticipation and nonresponsiveness in the classroom discussion attributable to diversionary uses of your personal computer or phone constitutes an absence from the class. The instructor reserves the right to disallow the use of laptops in the classroom at any time throughout the semester. The use of other electronics,

including recording devices, is prohibited during class time. Please be sure that all noise-making devices, including cell phones, are in silent mode or powered off. Phones should be put away during class.

Communication:

Students should check their emails and Blackboard regularly and consistently. I will send emails to the whole class or individually. These emails may contain important details and time sensitive materials. It is imperative that you check your emails frequently as you will be responsible for the content and information provided in those communications as it pertains to the course and assignments.

Instructor Evaluations:

The PWS instructors welcome any comments or suggestions that you may have regarding instructor teaching style, class presentation, or any other related subject. Please feel free to provide me such comments during the semester as they will help improve this program. I will carefully consider all comments and suggestions that I receive.

Chosen Names and Preferred Pronouns:

I want to address each of you in a manner that corresponds to your identity. Although mistakes happen, chosen names and preferred pronouns – including non-binary ones such as they/them/their – must be respected in my classroom. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun or if you have concerns about how I or your classmates address you.

Accommodating Students with Disabilities:

The Americans with Disabilities Act (ADA) requires that the University of Houston make reasonable accommodations to persons with disabilities as defined by and within the meaning of the statute. Students who have questions about or feel that they need assistance under the ADA should contact Student Services.

Counseling and Psychological Services:

The University of Houston's Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad or hopeless. You can reach CAPS at www.uh.edu/caps and by calling 713-743-5454 during and after business hours for routine appointments or if you know someone who is in crisis. No appointment is necessary for the "Let's Talk" program (http://www.uh.edu/caps/outreach/lets_talk.html), a drop-in consultation service at convenient locations and hours around campus.

UH Sexual Misconduct Policy:

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University

system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf (antidiscrimination)

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

Proposed Course Outline:

A separate proposed schedule for the semester ("Syllabus Part Two") will be distributed by the instructor. It will include class assignments, homework, and relevant dates of assessments. The instructor may, of course, modify it as the semester progresses, to achieve course objectives.

First Week's Assignments:

Your instructor will provide you with a schedule of assignments the week prior to class starting. However, no preparation is required for the first two classes.

Each class, please log on to your zoom account and into our 'classroom' and bring something to take notes on/with, and your assigned textbook.

Syllabus Changes:

To facilitate optimum learning, please note that the professor reserves the right to modify the syllabus and course calendar at any time.