

LAWYERING SKILLS AND STRATEGIES II (SECTION C1)
SPRING 2023 – COURSE INFORMATION SHEET

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Course Objectives

Lawyering Skills and Strategies II will focus on further developing the underlying skills and strategies lawyers must possess to succeed within the American legal system. By working through problems inside and outside of the classroom, you will continue to refine the legal research, analysis, writing, and citation skills you learned last semester. And, in all matters, you will be expected to uphold the ethical and professional standards of a lawyer-in-training.

Learning Outcomes

The learning outcomes for this semester include the following:

- **Legal Citation:** Familiarity with advanced legal citation rules and the ability to apply them correctly.
- **Legal Advocacy:** Ability to translate legal research and analysis into a persuasively written document that is organized logically; conveys all relevant and required content clearly, concisely, and convincingly; and omits extraneous information.
- **Legal Drafting:** Knowledge of the considerations underlying contract negotiation and the ability to draft a contract that addresses the client's needs effectively.

Course Webpage (TWEN)

We will continue to use the course webpage maintained by The West Education Network (TWEN), located at <http://lawschool.westlaw.com/twen/>. You will need to check the TWEN course webpage frequently.

- The "Syllabus" section has the course information sheet and syllabus.
- The "Class Videos" section has the Class Videos organized according to class session number and topic.
- The "Course Materials" section has supplemental readings and class handouts organized in folders according to class session number and topic.
- The "Ungraded Practice Exercises" section has the instruction sheets for ungraded practice exercises as well as answer keys and samples, if available, organized in folders according to the ungraded practice exercise's name.
- The "Graded Assignments" section has the assigning packets and related materials for graded assignments organized in folders according to the graded assignment's name.
- The "Assignments & Quizzes" section is where you will submit ungraded practice exercises and graded assignments in addition to taking quizzes, as directed.
- The "Sign-Up Sheets" section is where you will schedule conferences.

- The “Fall 2022” section is where you will find the Lawyering Skills and Strategies course materials from last semester.

Course Materials

The required course materials are listed below.

- *An Advocate Persuades* (1st ed. 2016), by Joan Malmud Rocklin et al. [*“Advocate Persuades”*]. You may purchase or rent a print or eBook version of the first edition of this text: do ***NOT*** purchase the second edition published in December 2022.
- *An Introduction to Contract Drafting* (2d ed. 2013), by William K. Sjostrom, Jr. [*“Contract Drafting”*]. You may purchase or rent a print or eBook version of this text.
- *The Greenbook: Texas Rules of Form* (15th ed. 2022), published by the Texas Law Review [*“Greenbook”*]. Please purchase a print version of this ***NEW*** edition of *The Greenbook*.
- *The Bluebook: A Uniform System of Citation* (21st ed. 2020), published by the Harvard Law Review Association [*“Bluebook”*]. Please keep your print version of *The Bluebook*.
- *The Bluebook Uncovered: A Practical Guide to Mastering Legal Citation (21st ed. of The Bluebook)*, by Dionne E. Anthon [*“Bluebook Uncovered”*]. This e-book is available at [http://dionneanthon.com/bbu/Anthon%20Bluebook%20Uncovered%20\(21st%20Edition%20of%20Bluebook\)%202020.08.06.pdf](http://dionneanthon.com/bbu/Anthon%20Bluebook%20Uncovered%20(21st%20Edition%20of%20Bluebook)%202020.08.06.pdf)
- You should still have your passwords for the online legal research providers LexisNexis and Westlaw. If you do not, please let me know immediately.

The recommended course materials from last semester are listed below for your convenience.

- *Manual on Usage & Style* (15th ed. 2020), published by the Texas Law Review.
- The free writing assistant Grammarly, available at <https://www.grammarly.com/>

Throughout the semester, I will supplement the readings assigned in the texts. The supplemental readings will be posted on the TWEN course webpage in the “Course Materials” folder according to class session number and topic. The supplemental readings will be identified by their class handout number and topic.

Attendance

The course is scheduled to meet on Tuesdays from 1:00 p.m. to 2:00 p.m. and on Thursdays from 2:00 p.m. to 3:00 p.m. in **Room 311** of the John M. O’Quinn Law Building.

Please note that class sessions may be added or adjusted throughout the semester. Any additions or adjustments will be reflected in the syllabus and/or announced via email. For example, you will be required to attend one workshop hosted by the Legal Writing Center this semester. The workshop will take place outside of our regularly scheduled class time. As soon as the dates and times for the Legal Writing Center’s workshops are finalized, I will let you know.

Attendance is mandatory. Attendance will be taken during each class session, which includes conferences and workshops. I reserve the right to count you as absent if you arrive more than ten minutes late or leave more than ten minutes early. If you cannot attend a class session, it is your responsibility to contact me in advance of the session (barring an emergency that prevents you from doing so). In accordance with the Law Center's attendance policy, you may miss no more than five class sessions during the semester. On your sixth absence, I will send you to the Assistant Dean for Student Affairs to discuss your continued enrollment in the course.

If you observe religious or cultural holidays that will conflict with class sessions, including conferences and workshops, please let me know so we can discuss alternative arrangements.

Class Sessions

Class sessions will emphasize collaborative and interactive learning through exercises and discussions. Accordingly, I expect that you will need to use an electronic device during class to access class materials, to complete class activities, and to take notes.

However, you should refrain from the impermissible use of electronic devices during class. Impermissible use includes, but is not limited to, completing assignments for other courses; engaging in electronic communication that is unrelated to class activities; visiting websites unrelated to class activities; playing games, listening to music, or watching videos that are unrelated to class activities. The impermissible use of an electronic device repeatedly during class sessions will affect your Professionalism grade.

Please do not record all or part of a class session, livestream all or part of a class session, or make/distribute screen captures without my prior express authorization. If I authorize a class session to be recorded, please do not distribute such a recording to any other person or use the recording for any purpose other than your own education without my prior express authorization. Your contributions during these class sessions may be included in the recording, and your continued registration in this course indicates your acquiescence to any such recording. Failure to comply with requirements regarding recordings may result in disciplinary action.

Class Videos

In order to participate fully during class sessions, you must watch the assigned Class Video on Microsoft Stream in advance of the related class session to introduce you to the topic. These Class Videos are intended for your education only. They should not be shared with any other person without my prior express authorization.

My expectation is that you will watch each Class Video in a distraction-free setting that will allow you to take detailed notes in preparation for the related class session. While I may

highlight important points from the Class Video when introducing activities and answering questions during the class session, I will not review the topic in its entirety.

A link to each Class Video will be available on the TWEN course webpage in the “Class Videos” section. To access the videos through Microsoft Stream, [login](#) to your Microsoft 365 account with your Cougarnet credentials. If you encounter any problems accessing a Class Video through Microsoft Stream this semester, please let me know immediately.

Conferences

You are required to attend two conferences with me this semester: a Graded Motion Conference and a Graded Contract Conference. The conferences will take place on Zoom. You will use the “Sign-Up Sheets” on the TWEN course webpage to schedule each conference, and I will email you the Zoom link in advance of your conference.

If you need to reschedule either conference, please do so before the originally scheduled conference time. Otherwise, your failure to appear for the scheduled conference will be counted as an absence, and you may not be allowed to reschedule.

Office Hours

If you have any questions about the course, please ask me. I will have hybrid office hours on Tuesdays and Thursdays from 3:00 p.m. to 4:00 p.m. and by appointment. Hybrid office hours will take place in person and on Zoom, and I will email you the Zoom link in advance of the first week of classes.

I may not hold regular office hours during weeks in which I hold individual conferences. If I change my regularly scheduled office hours, I will notify you by email.

Zoom Etiquette and Expectations

In order to make online conferences and office hours as engaging and effective as possible, you should plan to participate fully with audio and video. If you are unable to participate with both audio and video, please let me know in advance.

Additional expectations for Zoom etiquette include the following:

- Access the Zoom link at least a few minutes before the scheduled time. If you run into difficulties, email me at wwheard@central.uh.edu.
- If your Zoom username isn't your full name or chosen name, please rename yourself accordingly.
- When you join Zoom, turn on your video camera. If I notice that you are turning your video camera off for an extended amount of time, I may contact you to see if everything is okay.

- Most importantly, I will exhibit flexibility, patience, and kindness as issues arise. I hope that you will do the same.

Legal Writing Center

You may obtain free individual tutoring through the Legal Writing Center (“Center”), which is located on the fourth floor of the Law Center Library in Room 413B. Several outstanding law students, known as Legal Writing Fellows (“Fellows”), staff the Center. They are able to help you with legal writing, research, and citation issues as well as style and usage questions. However, the Fellows are prohibited from assisting you with any graded assignment before you submit it.

You may email c_law_legal_writing_center@central.uh.edu using your UH email address to schedule an appointment with a Fellow. Virtual drop-ins on the UH Legal Writing Center Team site during weekly office hours are also available. At any point during the semester, I may require or recommend that you meet with a Fellow.

Class Preparedness, Participation, and Professionalism

As future attorneys, I expect you to uphold the professional standards of a lawyer-in-training throughout the semester. Accordingly, before attending a class session, you are expected to complete the assigned readings, videos, and practice exercises. I reserve the right to lower your Professionalism grade if you habitually fail (1) to prepare for class, (2) to participate actively in class, (3) to complete quizzes and practice exercises, or (4) to show respect for me and your classmates.

[Ungraded] Formative Assessments

Throughout the semester, I will provide feedback on your performance and competence based on your participation in class activities and your completion of quizzes and practice exercises. This feedback will help you hone the lawyering skills you need to succeed in LSS and in practice.

Quizzes

To assess your understanding of the subjects covered, I may require you to take a quiz on an LSS topic during a class session or outside of a class session. The habitual failure to complete quizzes in a timely and satisfactory manner may affect your Professionalism grade.

Practice Exercises

Throughout the semester, I will assign frequent practice exercises, which you must complete to my satisfaction. Some practice exercises will be used during class sessions only. Other practice exercises will be submitted to me for feedback. Any work that in my discretion does not reflect a good faith effort will have to be redone or rewritten to an acceptable standard within a prescribed

time. Be sure to retain a copy of your practice exercises. The failure to make a good faith effort on practice exercises and submit them in a timely manner may affect your Professionalism grade.

[Graded] Summative Assessments

Your performance and competence will also be graded. Your final grade this semester will be based on the following, subject to any adjustments identified in this course information sheet:

- **Legal Citation Exam (15%)**
- **Graded Motion Assignment (50%)**
- **Graded Contract Assignment (25%)**
- **Professionalism (10%)**

Knowing how to budget and manage time is an essential lawyering skill, so I expect all graded writing assignments to be submitted on time. If a graded writing assignment is more than fifteen minutes late, I may deduct 10% of the total points for the first hour (or part of the hour) that the graded writing assignment is late. After the first hour, I may deduct an additional 10% of the total points for every hour that the graded writing assignment is late.

I will consider extensions for *true emergencies* only. Be advised: computer problems and routine illnesses do not constitute true emergencies.

The Law Center uses an anonymous-grading system to ensure fairness in grading. You will be assigned a *NEW* exam number this semester. You must use your new exam number, instead of your name, on all graded assignments. Please update your exam number on TWEN before submitting your first graded writing assignment. *You should not share your new exam number with me before the release of final grades.*

Mandatory Course Curve

J.D. students in this course are subject to a mandatory curve in the range of 3.20 to 3.40.

Mandatory First-Year Grade Distribution

In addition to the mandatory course curve, the following grade distribution is mandatory for J.D. students in all first-year courses, including LSS:

A	5% to 30%
A- or B+ or B	50% to 90%
B- or below	5% to 20%

Formatting Requirements

All practice exercises and graded assignments you submit must conform to these specifications:

- Use Times New Roman, 12-point type, on white letter-size (8 ½” x 11”) paper.
- Double space each page.
- Use one-inch margins on all sides.
- Place page numbers in the bottom center of each page.
- Print on one side of each page only [if a hard copy is requested].
- Staple your paper in top left corner [if a hard copy is requested].
- Adhere to all other requirements stated in the instruction sheet.

Honor Code Matters

The Law Center’s Honor Code applies to this course. You are responsible for knowing its provisions and complying with it. Unless you have my prior express authorization, it is an Honor Code violation (1) to review graded assignments distributed to, or written by, any LSS students from prior years, and (2) to rely on any artificial intelligence system (other than [Grammarly](#)) for any type of assistance when completing course assignments.

The Law Center’s Honor Code is found at <http://www.law.uh.edu/student/HONOR-CODE-AND-PROCEDURES.pdf> Questions regarding how the Honor Code’s provisions apply to specific activities may be directed to me or the Faculty Advisors for the Honor Board.

Reasonable Academic Adjustments and Auxiliary Aids

The University of Houston System (UHS) complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments and auxiliary aids for students who have a disability. In accordance with Section 504 and ADA guidelines, the UHS strives to provide reasonable academic adjustments and auxiliary aids to students who request and require them.

If you anticipate or experience barriers based on a disability (including any chronic or temporary medical or mental health condition), you may contact Ms. Samantha Ary, Academic Records Coordinator, to discuss your options for support services. Ms. Ary offices in the Student Services Suite. She can be reached at sary@central.uh.edu or 713-743-7466. Requests that involve graded assignments must be directed to Ms. Ary, and they should be made as soon as possible to allow adequate time to document and process the request.

Anti-Discrimination and Sexual Misconduct Policies

The Law Center and the UHS are 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 experience an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please

refer to the [Anti-Discrimination Policy SAM 01.D.07](#) and [Sexual Misconduct Policy SAM 01.D.08](#).

Under the UHS Sexual Misconduct Policy, an instructor of record is a “responsible employee” for reporting purposes under Title IX regulations and state law. Accordingly, I must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which I become aware to the Title IX office. Please know there are places on campus where you can make a confidential report. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Chosen Names and Preferred Pronouns

I want to address each of you in a manner that corresponds to your identity. Although mistakes happen, I expect chosen names and preferred pronouns—including non-binary ones such as they/them/their—to be respected in my classroom. Please 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 you are being addressed by me or your classmates. My pronouns are she/her/hers. You may call me “Professor Heard” or “Prof. Heard.”

Counseling and Psychological Services

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 and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service (<https://uh.edu/caps/outreach/lets-talk/index.php#hours>).

The Texas Lawyers’ Assistance Program (TLAP) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time by calling 800-343-8527. TLAP’s website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

The UHS Required Language for All Courses for Spring 2023

The following policies and procedures are required for inclusion by the UHS:

COVID-19 Information

Students are encouraged to visit the University’s [COVID-19](#) website for important information including diagnosis and symptom protocols, testing, vaccine information, and post-exposure guidance. Please check the website throughout the semester for updates.

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Justin Dart, Jr. Student Accessibility Center](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

The UHS Recommended Language for All Courses for Spring 2023

The following policies and procedures are recommended for inclusion by the UHS:

Resources for Online Learning

The University of Houston is committed to student success and provides information to optimize the online learning experience through our [Power-On](#) website. Please visit this website for a comprehensive set of resources, tools, and tips including obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

UH Email

Please check and use your CougarNet email for communications related to this course. To access this email, [login](#) to your Microsoft 365 account with your CougarNet credentials.

Webcams

Access to a webcam is required for students participating remotely in this course. Webcams must be turned on in accordance with the Zoom Etiquette and Expectations section.

Security Escorts and Cougar Ride

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our Security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call [713-743-3333](tel:713-743-3333). Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called Cougar Ride that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

Syllabus Changes

Please note that the instructor may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible through the Cougarnet email system.

Helpful Information

- CoogsCare Resources: <https://uh.edu/dsa/coogscare/>
- Student Health Center: <https://www.uh.edu/healthcenter/>

LAWYERING SKILLS AND STRATEGIES II
SPRING 2023—SYLLABUS

CLASS PERIODS	CLASS TOPICS	CLASS READINGS AND VIDEOS	ASSIGNMENTS FOR SUBMISSION
<i>Week 1</i> January 17 January 19	Introduction to Legal Persuasion and Persuasive Writing Techniques	<i>Advocate Persuades</i> pp. 3-14, 99-107, 187-216 Week 1 Video (MS Stream)	The [Ungraded] Reflective Essay is due by January 22
<i>Week 2</i> January 24 January 26	Advanced Legal Citation (Case History) and Research Refresher	<i>Bluebook Uncovered</i> pp. 123-130 Week 2 Video (MS Stream)	The [Ungraded] Persuasive CREAC is due by January 29
<i>Week 3</i> January 31 February 2	Advanced Legal Citation (Signals and Parentheticals) and Research Refresher	<i>Bluebook Uncovered</i> pp. 151-166, 219-227 Week 3 Video (MS Stream)	The [Ungraded] Citation Exercise I (Case History) is due by February 5
<i>Week 4</i> February 7 February 9	Texas Legal Citation: <i>The Greenbook</i>	Week 4 Handout (TWEN) Week 4 Video (MS Stream)	The [Ungraded] Citation Exercise II (Signals and Parentheticals) is due by February 12
<i>Week 5</i> February 14 February 16	Persuasive Writing (Persuasive Rules and Persuasive Arguments)	<i>Advocate Persuades</i> pp. 23-31, 39-59, 217-227, 251-279 Week 5 Video (MS Stream)	The [Ungraded] Citation Exercise III (Texas Legal Citation) is due by February 19
<i>Week 6</i> February 21 February 23	Persuasive Writing (Persuasive Facts and Motion Practice)	<i>Advocate Persuades</i> pp. 109-160, 161-185, 281-309 Week 6 Handout (TWEN) Week 6 Video (MS Stream)	Persuasive Rule Statement is due in class on February 21 and Persuasive Argument is due in class on February 23
<i>Week 7</i> February 28 March 2	Legal Citation Review Legal Citation Exam	None	The [Ungraded] Pre-Trial Motion is due by March 5
<i>Week 8</i> March 7 March 9	Legal Writing Beyond the First Year (Appellate Advocacy)	<i>Advocate Persuades</i> pp. 61-98, 229-250 Week 8 Handout (TWEN) Week 8 Video (MS Stream)	No assignments for submission due
<i>Week 9</i> March 13-March 17	No LSS Classes – Spring Break.		
<i>Week 10</i> March 21* March 23†	Legal Writing Beyond the First Year (Judicial Opinion Writing and Scholarly Writing)	<i>Bluebook Uncovered</i> pp. 295-301 (Appendix) Week 10 Handout (TWEN) Week 10 Videos (MS Stream)	Mandatory Conferences for the Graded Motion will also be held outside of LSS class this week.

* Class 10A on Tuesday, March 21, will be a combined class that meets from 1:00 p.m. to 1:50 p.m. only.

† Class 10B on Thursday, March 23, will be a combined class that meets from 1:00 p.m. to 1:50 p.m. only.

<i>Week 11</i> March 28 March 30	Contract Drafting I: Parts of a Contract	<i>Contract Drafting</i> pp. 1-21 Week 11 Video (MS Stream)	Mandatory Conferences for the Graded Motion will also be held outside of LSS class this week.
April 2	The Graded Motion is due by 11:59 p.m. on Sunday, April 2.		
<i>Week 12</i> April 4 April 6	Contract Drafting II: Contract Terms	<i>Contract Drafting</i> pp. 21-35 Week 12 Video (MS Stream)	No assignments for submission due
<i>Week 13</i> April 11 April 13	Contract Drafting III: Drafting Process	<i>Contract Drafting</i> pp. 43-52 Week 13 Video (MS Stream)	No assignments for submission due
<i>Week 14</i> April 18 April 20	Contract Drafting IV: Drafting Style	<i>Contract Drafting</i> pp. 35-43 Week 14 Video (MS Stream)	Mandatory Conferences for the Graded Contract will also be held outside of LSS class this week.
<i>Week 15</i> April 25 only	1L Summer: Expectations and Preparations	None	Mandatory Conferences for the Graded Contract will also be held outside of LSS class this week.
April 30	The Graded Contract is due by 11:59 p.m. on Sunday, April 30.		

*** The syllabus may be modified as needed to achieve course objectives. ***