

## LAWYERING SKILLS: WRITING FOR LEGAL PRACTICE

*Using Legal English to Explain and Analyze  
Czech and European Law*

Meets: Monday through Friday  
November 2, 2009 *through* November 6, 2009

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Office Hours: 1:45-2:45, Tuesday through Friday of our course  
Room to be announced

### Class Objectives

- (1) To improve legal writing skills by -
  - Identifying, focusing on and communicating with your audience;
  - Providing a comprehensive and comprehensible statement of the facts;
  - Ascertaining the legal issue;
  - Setting forth the rule: conveying parties' rights and duties;
  - Applying legal rules to new facts;
  - Predicting legal outcomes;
- (2) To improve oral and written legal English skills in the areas of -
  - sentence structure,
  - vocabulary, and
  - notional / functional language essential to legal negotiations.
- (3) To learn and use the **PLAIN ENGLISH RULE** when discussing law in English.

### Thank You and Welcome

Thank you very much for enrolling in this course. I look forward to meeting and getting to know you all. I always enjoy meeting colleagues from around the world and learning about their legal system. I am particularly looking forward to seeing your beautiful country, and the beautiful city of Brno.

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<sup>1</sup> **M.A.** – Linguistics, with a specialization in Teaching English as a Second/Foreign Language;  
**J.D.** – Admitted to the Illinois Bar; **LL.M.** – International Business and Trade Law.

## Course Organization / Approach

This course is for professionals. Many professionals are unemployed or under-employed for reasons beyond their control, such as the economy. Thus, I use the term “professional” to mean those of us who are or intend to be lawyers. Period. Included within the meaning of “professional” is an irrefutable presumption of adulthood. Adults do their work; come to class on time; return from breaks on time; comport themselves appropriately. I assume I am teaching my colleagues. I categorically refuse to babysit.

Because we have a short time together, we will need to focus on our goals from the start, and work toward them till the very end. To accomplish this, we will meet from 3:00 till 7:30 every day, for the five days. Students will have two 15 minute breaks. You must adhere to the break schedule so that we can get everything done that we need to get done.

This course is highly interactive. From 3:00 till 6:15, we will work together on the course topics. This will consist of lecture, examples, and questions and answers. After Day One, a part of this period will consist of reviewing key points from the prior day and clarifying your’ questions. You will have a 15-minute break *during* this period, as appropriate.

From 6:15 till 6:30 you will have your second break. From 6:30 till 7:30, you will write, in class. You will turn the assignment in to me at 7:30, as you leave. Thus, you need to bring pen and sufficient paper to do so. I highly recommend that you bring both your legal dictionary and your all-English standard dictionary to class with you. You may bring bilingual dictionaries (Czech-English) as well, if you feel more comfortable. Bilingual dictionaries may supplant, but may not replace, a monolingual English dictionary, preferably one designed for advanced, non-native speakers of English.<sup>2</sup>

On Friday, November 6, you will participate in a negotiation activity in English. We will go over key language structures you need to (1) express opinions; (2) agree; (3) disagree; (4) interrupt other speakers; (5) clarify your arguments; (6) make suggestions; and (7) seek further information – *appropriately*. While hard-working individuals can often learn the grammar and vocabulary of a second language on their own, it is almost impossible to know which types of expressions are appropriate, and the exact messages they convey, unless a native speaker tells you. After we go over all the relevant structures, we will conduct the negotiation on a legal issue that we will have determined in advance.

You will all receive daily feedback on all activities, written and oral.

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<sup>2</sup> Excellent dictionaries in this category include: *Merriam-Webster’s Advanced Learner’s English Dictionary*; *Oxford Dictionary for Advanced Speakers of English*; *Longman Dictionary for English Language Learners – Advanced*. If you are just buying one for this course, do not under-estimate your ability by buying a dictionary for “intermediate” speakers. You will be wasting your money.

## Final Assignment

You will write two draft documents *in class*. The first is a memorandum of law (memo), which you will write mid-week. The second is a letter, which you will write on Thursday, November 5. I will return both documents to you while I am still in Brno. You will then re-write them, based on my feedback, and send them to me no later than Friday, December 4, 2009. You will have until 5:00 p.m. that day – Czech time. You must send both of them to me together; it is too difficult to keep track of piecemeal work. You should send your re-write to me at: [9campagna@jmls.edu](mailto:9campagna@jmls.edu). I will have your memo and letter back to you, along with your grade, before Christmas.

Your course grade will be based on your daily work and preparation (35%) and your final written work (65%). The letter will constitute 15% of your grade, and the memo 50% of your grade.

## Class Rules

Unless the school has rules to the contrary, I don't mind if students eat or drink in the class. Thus, please plan accordingly.

Students may not surf the web; tweet; send e-mails; or otherwise live in their own world during class. Unless you are a working lawyer whose client or partner may call you, you may not have your cell phone on during class. If you need to have it on, please see me, just so I know. Otherwise, all students must turn their cell phones off during class.

## Course Materials

You will receive a binder of course materials that I have written. You will also receive, via e-mail, "support" materials to help you with your Legal English.

All my materials are copyrighted. You do not have to pay for them, but I will ask each student to sign an agreement promising not to make unauthorized copies of any of the materials.

You will also receive a legally oriented newspaper article, in advance of the course. I will ask you to write a short, legally focused response to the article. I have paid the New York Times for the right to re-print the article. You do not have to pay this fee, but I need you to respect the limited nature of the license by not making unauthorized copies of the article, either. I am not an agent for the New York Times, so I will not ask you to sign anything, but will simply state here that I expect lawyers to respect the law.

On the next page you will find our topics for each day of the course.

I have also included a Table of Contents to this course binder.

<p><b>Day One</b></p> <p>Monday, November 2, 2009</p>	<p><b>THE MEMORANDUM OF LAW</b></p> <ul style="list-style-type: none"> <li>• Who is the audience?</li> <li>• What does your reader want to know?</li> <li>• IRAC memo for a civil law lawyer</li> <li>• Forming the Issue Statement</li> <li>• The Plain English Rule</li> </ul>
<p><b>Day Two</b></p> <p>Tuesday, November 3, 2009</p>	<p><b>THE MEMORANDUM OF LAW</b></p> <ul style="list-style-type: none"> <li>• Stating the Facts</li> <li>• Setting forth the Rules</li> <li>• Formatting the Memo</li> </ul>
<p><b>Day Three</b></p> <p>Wednesday, November 4, 2009</p>	<p><b>THE MEMORANDUM OF LAW</b></p> <ul style="list-style-type: none"> <li>• Analyzing the legal problem</li> <li>• Applying the law to the facts</li> <li>• Predicting likely outcomes</li> <li>• Concluding</li> </ul>
<p><b>Day Four</b></p> <p>Thursday, Nov. 5, 2009</p>	<p><b>WRITING A PROFESSIONAL LETTER</b></p> <ul style="list-style-type: none"> <li>• Who is your audience?</li> <li>• The client advice letter</li> <li>• The transmittal letter</li> <li>• More Plain English</li> </ul>
<p><b>Day Five</b></p> <p>Friday, Nov. 6, 2009</p>	<p><b>Negotiating a Dispute or a Deal</b></p> <ul style="list-style-type: none"> <li>• Who are you in this deal? <ul style="list-style-type: none"> <li>• <i>How much authority</i> has your client given you?</li> </ul> </li> <li>• Who is the other side? <ul style="list-style-type: none"> <li>• <i>How much authority</i> do they have?</li> </ul> </li> <li>• Asking, answering and discussing <u>appropriately</u></li> </ul>