Prerequisites: 1L fall semester. You don’t need established expertise in any of the substantive legal areas we will be working in. You can pick up what you need along the way.

Schedule: 6:15–9:15 p.m., Mon.–Fri. (January 9–13). Office hours are after class, in the classroom.

Required reading over winter break: In addition to the readings for each class session (details elsewhere in this syllabus), you must complete a big assignment over the winter break: Read Bryan A. Garner, Legal Writing in Plain English (2d ed. 2013). All of it. It is a short and well-written book, but some of the material is technical — and some of it will be on the first quiz — so you should spend at least two long days (say, 20 hours total, at least) reading and thinking about it. You need not do the exercises in the book (we won’t be doing any of them in class), but you should feel free to do some on your own. They are useful.

Sketch and purpose of the course: Senior lawyers frequently say the best new lawyers are the ones who show up knowing how to listen and write on demand — that is, to receive an assignment and simply do it, pronto. The purpose of this course is to help you strengthen four listening and writing skills that will come in handy no matter what kind of lawyering you do.

In this context, when senior lawyers say “listen” they mean, really, a pair of skills:

#1) The skill of paying attention while a senior lawyer describes an assignment (a set of facts and what to do with them), and then asking useful follow-up questions. The result: an assignment that is clear to both the senior lawyer and the new lawyer.  

#2) The skill of taking notes about the assignment. The result: a record that enables the new lawyer to complete the assignment. (As one young and successful DC lawyer recently said to me, “you know a new associate is going to be a disaster when they can’t be bothered to bring pen and paper to a meeting — they think it’s someone else’s job to take notes and keep track of what’s going on, and so you know you can’t trust them with anything.” That kind of behavior is known in some circles as “delegating up.” It is one of the best ways to waste time and annoy a senior lawyer. This course might be described as one long lesson in how to avoid delegating up.)

And when senior lawyers say “write” they mean, really, another pair of skills:

#3) The skill of finding the right rules and forms and other documents to use as guides and models for an assignment, rather than (here comes some more delegating up) asking the senior lawyer to gather that information and provide it to the new lawyer. The result: a product that is at least partly based on the new lawyer’s own expertise.

#4) The skill of doing the writing itself promptly, thus leaving time before the deadline for both (a) the new lawyer to proofread and generally improve the work, and (b) the senior lawyer to review the work and return it (if necessary) to the new lawyer for refinement. The result: a product that is mostly based on the new lawyer’s own labor. (The alternative is for the new lawyer to get a first draft done “just in time” or “just a little bit late,” leaving it to the senior lawyer to stay up all night proofreading and generally improving the work on the eve of the deadline — yet another example of delegating up.)

As you can see, I hope, this course is not about enlarging your capacity to expound constitutional or philosophical or social-scientific theories in response to some IRAC puzzlers. It is not about burningish your brilliance. Those things are important, but here the focus is elsewhere. This course is about strengthening your fundamental competence and diligence. In this course, you only need to be able to answer one kind of question correctly: Can you, knowing the work that needs to be done, do it? Now. Under pressure. Without a net. (And without typos 😞.) As all good lawyers must, from time to time.

Partners (optional): Actually, you have an option to weave your own net, of a sort. You may have one partner, if you like. Law is often a collaborative profession, after all. And, just like a partnership in the profession, a partnership in this course is built on the initiative and mutual commitment of the interested parties. In other words, if you want a partner, you must find that person and form that relationship yourself. Once you have enrolled in this course, you should feel free to partner with someone else who has enrolled. The two of you must then email me, confirming that you are partners. What does that mean? You and your partner will work together on the in-class writing assignments, and you will receive the same grade for that aspect of the course. The rest of your grade — quizzes, notes, and general class participation — will be individual, based on just your own performance. How good is it, having a partner? Well, think about it this way: If you have 60 minutes to write a paper, and another person has 60 minutes to write a paper, then between the two of you, you have 120 minutes to write a paper. If that other person is competent and reliable and honest and congenial, why wouldn’t you want to combine their labor with yours? The chances of producing a better product, with less stress and more fun, seem pretty high. But it’s your call. You are free to work solo, too.

Texts: The readings for each class session will be about 25 pages long. You should plan on spending at least two hours on them. They will be at www.rossdavies.org as soon as regular fall exams end on December 17. They will be accessible via a combination of online services provided by our law school — Westlaw, Lexis, Bloomberg Law, and HeinOnline (if you don’t know how to access any of those services, ask a reference librarian, because they know everything) — and public websites. The readings will give you information that will set you on the path to successfully demonstrating skill #3 in class the next day. All quiz questions will be based on the readings. All writing assignments will be based on the readings. Feel free to print out the readings or put them on an electronic gadget. Either way, bring them to class. You will need them.
**Quizzes:** Each class session will begin with a short multiple-choice quiz (6–10 questions). The quizzes are designed simply to determine whether you have, in fact, done the assigned readings, paid attention, and thought about them. For someone who has done that work, the quizzes are nothing to fear, but for someone who hasn’t, they will be painful. We will spend about 20–25 minutes talking about the quiz, using the questions as starting points for discussing the readings.

**Writing assignments:** After the quiz and our discussion, I will tell you what the evening’s writing assignment is. I will recite the relevant facts and specify the documents or documents I want you to prepare. You will need to take accurate notes, and you and your classmates will need to ask useful follow-up questions, because that will be your only opportunity to find out what I want. You will not be able to shift the burden of accurate note-taking onto me by asking me later on to confirm or correct or fill in the blanks in your memory or notes. In fact, from 7:10 to 8:10 p.m. — the time when you will be completing your first draft of the writing assignment — I will not answer questions about the assignment. The only person you will be able to ask will be your partner. We will start slowly. The assignment for Monday, January 9 will be relatively short and easy, which will enable us to spend a little bit of extra time on the assignment/Q&A part of the class and a little less time on the writing itself. The topics of the writing assignments (and, obviously, the reading assignments that precede them) will be:

- **January 9:** Comment to an agency on a proposed regulation, with filing instructions to a client
- **January 10:** Cease and desist letter to a copyright infringer
- **January 11:** Subpoena to a witness, with instructions to a server
- **January 12:** Post-argument supplemental brief or memorandum
- **January 13:** Comment to an agency on a proposed regulation, with filing instructions to a client (yes, another one!)

**Class sessions:** Each class session will be organized as follows:

- **6:15–6:45 p.m.:** You take the quiz. We review the quiz together as a class.
- **6:45–7:00 p.m.:** I give you the assignment. You take notes and ask useful clarifying questions. I answer.
- **7:00–7:10 p.m.:** Break
- **7:10–8:10 p.m.:** You and your partner do the assigned work together and email the finished product (with your notes about the assignment, and your partner’s notes about the assignment) to rdavies@greenbag.org by 8:10 p.m.
- **8:10–8:20 p.m.:** Break
- **8:20–9:15 p.m.:** We review the assignment together as a class (with, sometimes, a guest expert as well). You and your partner revise your work together (with “show changes” or its equivalent turned on) while the review is going on (whisper quietly if you need to confer) and email the revised version (with “show changes” still on) to rdavies@greenbag.org by 9:15 p.m.

**For each class session, please:**

(a) Read, take notes, and think about the assigned material. Stay an assignment or two ahead of schedule, just in case.

(b) Note and follow in-class instruction. If you miss a class you must get notes from a classmate. Make arrangements in advance as a precaution against unanticipated absences. There is a strong tradition in law of sharing notes with colleagues in need. Be a part of it.

(c) Look up words you do not know. Use a good dictionary or two. Words that are interesting or important are good quiz candidates.

**Grades:** This is a credit/no credit (CR/NC) course. Quizzes count for 1/3 of the grade. There are no make-ups: miss a class in which a quiz is administered, miss that quiz. Taking all the quizzes is good because for students who take all quizzes the lowest score is excluded from final grade calculations. Participation counts for 2/3 of the grade. Let’s be clear about this up front: the evaluation of participation is subjective, which means that if you do not like your participation grade there will be no basis for challenging it. Having said that, you are unlikely to get a bad participation grade if you do a good job of note-taking, of writing and revising, of occasionally making a useful contribution, and of respectfully listening to and commenting on the contributions of others. The writing assignments are not graded separately. They are included in class participation. You are responsible for attending the number of class sessions required by our school’s regulations (they are available on the school website, and you are responsible for knowing and following them) to be eligible for course credit.

**Learning outcomes:** Students will improve their listening and writing skills in the four ways described above.

**Other outcomes:** You will have some fun.

**And remember:** All assignments are subject to change based on the progress of the course and the whim of the instructor.

**Intellectual property:** The instructor owns all course content, regardless of form. You may share copies with classmates during the course, but other than that you must keep all of it in any format to yourself forever. Recording of classes is forbidden.

I have read and do understand the rules of this course, and I know that following those rules is an important part of class participation. I will abide by all of them.

Name (print): ___________________________ Signature (scribble): ___________________________ Date: __/__/___