

Advocacy Learning Outcomes

By the end of the Advocacy course, students will

Skill Category	Specific Skills
Analyze facts, issues, and legal authorities	<p>Understand how to gather legally relevant facts from court documents.</p> <p>Recognize the difference between a fact and a legal standard.</p> <p>Identify the difference between an argument applying a legal rule to a factual scenario and an argument addressing the appropriate legal rule.</p>
Writing: Motions/Briefs	<p>Understand the purpose and audience for a brief or motion and write a persuasive document of at least 20 pages.</p> <p>Employ clarity, concision, and appropriate tone when writing for a judicial audience.</p> <p>Use organization and style for persuasive effect.</p> <p>Understand and develop a persuasive theme and weave it throughout the motion or brief.</p> <p>Understand the concepts of jurisdiction, hierarchy, and weight of authority, including the difference between primary and secondary authority, and binding and persuasive authority, and include the most compelling precedent.</p> <p>Follow court rules and procedures involving format requirements and include required sections of a brief such as the table of contents, table of authorities, jurisdictional statement, statement of the case, and conclusion, and use the sections for maximum persuasion.</p> <p>Communicate clearly the specific grounds for relief.</p>

Write an effective and accurate **fact section** of the brief/motion that:

- Includes legally relevant, contextual, and emotional facts, if any, in a persuasive manner, and all facts mentioned in the rule applications.
- Utilizes persuasive techniques to emphasize favorable facts and de-emphasize unfavorable facts.
- Does not omit facts solely because they are unfavorable.
- Alerts the reader to relevant unknown facts.
- Is understandable to a judge unfamiliar with the case.
- Accurately reflects the record and includes appropriate citations to the record or joint appendix.
- Does not include legal arguments.
- Tells a compelling story from the client's point of view and subtly portrays the client in a sympathetic light.

Write an effective **issue statement** that:

- Enumerates a major legal issue in the argument section.
- Persuasively and accurately frames the legal issue(s) in a favorable manner for the client.
- Follows one of two formats:
 - (1) a one sentence structure using whether/when or under/does/when, or
 - (2) a deep issue format in multiple sentences stating the governing law, the legal issue, and the legally determinative facts.
- Is understandable to a judge unfamiliar with the case.
- Persuasively frames the legal issue(s) and the key facts from the client's perspective.
- Is persuasive, but not excessively argumentative, strident, or slanted.

Write an effective **summary of the argument** that:

- Includes a concise, succinct, and accurate statement of the arguments.
- Is organized so it is easy to follow and consistent with the structure of the argument.

Write a persuasive **argument** section that:

	<ul style="list-style-type: none"> • Includes point headings that outline the arguments. • Organizes multiple issues into cohesive, logical arguments utilizing CRACs or an equivalent analytical framework, point headings, and transitions between arguments to persuasively guide the reader. • Uses authorities persuasively and consistent with their weight. • Uses secondary authorities appropriately. • Includes effective umbrella paragraphs that introduce the overall rule and law regarding the issues, clarify the organization of the rest of the argument section (including identifying issues being omitted), and include a cursory explanation of non-disputed issues, if appropriate. • Details the standard of review and uses it in the argument, when advantageous to the client. • Accurately paraphrases authorities and uses quotations strategically and sparingly for maximum emphasis. • Includes a conclusion relating back to the request for relief and the standard of review, if pertinent.
<p>Writing: Use a persuasive CRAC paradigm to create a fact based legal argument</p>	<p>Identify whether a rule is conjunctive, disjunctive, or a factor or balancing test.</p> <p>Use the CRAC paradigm correctly and effectively to:</p> <p>Write a rule statement that:</p> <ul style="list-style-type: none"> • Is favorable for the client’s position. • Synthesizes multiple sources of law. <p>Write a rule explanation that:</p> <ul style="list-style-type: none"> • Is organized by rule, not by case. • Uses topic or thesis sentences that express a legal principle that the paragraph will illustrate. • Accurately describes the facts, holding, and reasoning of cases in a logical order. • Includes policy when appropriate. • Explicitly identifies assumptions the writer is making regarding the facts or the court’s reasoning.

	<ul style="list-style-type: none"> • Uses correct verbs to identify the court’s actions (such as held, found, stated, or reasoned). • Addresses and minimizes the impact of adverse authority. • May include parentheticals, rather than full case treatments. • Never mentions the client’s facts. <p>Write a rule application that:</p> <ul style="list-style-type: none"> • Uses topic or thesis sentences shifting the judge’s focus to the client’s facts applied to the rule. • Prioritizes the strongest arguments and helps guide the reader through the logical progression of the arguments. • Supports arguments by comparing facts of client’s case to those of prior cases rather than comparing facts to a legal standard. • Uses parallel sentence structure in an analogy or distinction to a precedent case and makes clear the legal significance of the comparison. • When appropriate, supports arguments by using rule-based (also called text-based or plain language) reasoning, rationale from prior cases, or policy to further the client’s position. • Addresses unfavorable facts and adverse authority in a persuasive manner and utilizes strategies for minimizing opposing counsel’s arguments, showing why the client should win in spite of the adverse arguments. <p>Write a conclusion that:</p> <ul style="list-style-type: none"> • Is an appropriate length reflecting the complexity of the CRAC.
<p>Citation, Quotation, and Style (taught through electronic exercises and reinforced through Bluebook and quotation reviews and exam, in grading, and in</p>	<p>Use citations where required, including pinpoint citations.</p> <p>Use correct Bluebook citation format and follow rules on capitalization, italics, underlining, and alteration of quotations.</p> <p>Accurately use explanatory parentheticals and string citations.</p>

<p>class as necessary)</p>	<p>Include appropriate introductory signals exhibiting the relationship between the authority and the proposition if the authority does not directly state the proposition.</p> <p>Use quotations correctly and effectively by:</p> <ul style="list-style-type: none"> • Including quotations when using the words of a cited source. • Preferring brief quotations to long ones. • Choosing language that minimizes the use of ellipses and brackets when possible. • Using correct grammar to integrate quotations into the text.
<p>Ethics and Professionalism</p>	<p>Recognize that attorneys have a professional obligation to clients.</p> <p>Recognize and exhibit candor by evaluating the merits of claims, presenting adverse authority, and ensuring accurate information.</p> <p>Understand the impact that a written document has on a client and on a lawyer’s professional reputation.</p> <p>Understand the importance of timeliness and adherence to instructions.</p> <p>Adhere to law school policies on plagiarism.</p>
<p>Writing Style and Conventions</p>	<p>Write in appropriate legal style by:</p> <ul style="list-style-type: none"> • Avoiding slang. • Avoiding legalese. • Keeping sentences and paragraphs a reasonable length. • Using effective transitions including topic and thesis sentences to create coherence. • Recognizing and avoiding passive voice, unless its use is appropriate. • Preferring the third person.

<p>Writing Mechanics</p> <p>(taught primarily in optional writing seminars and reinforced by legal writing faculty)</p>	<p>Use standard legal writing conventions such as correct grammar and punctuation.</p> <p>Utilize proofreading techniques so that there are minimal errors in the document.</p> <p>Use correct sentence construction by:</p> <ul style="list-style-type: none"> • Avoiding sentence fragments. • Avoiding fused sentences, comma splices, and run-on sentences. • Using commas according to conventions with subordinate clauses, participial phrases, and non-restrictive material. • Using semicolons to combine independent clauses according to conventions. <p>Use apostrophes correctly by:</p> <ul style="list-style-type: none"> • Utilizing conventions to form possessives. • Avoiding contractions. <p>Use tense correctly when discussing different aspects of cases and facts.</p> <p>Use agreement correctly by:</p> <ul style="list-style-type: none"> • Making sure that subjects and verbs agree. • Combining singular and plural nouns and pronouns according to writing conventions. <p>Write correct lists and use parallel constructions by:</p> <ul style="list-style-type: none"> • Using serial commas in lists of three or more items. • Using semicolons according to conventions with lists that are long, complicated, or contain internal punctuation. • Using correct parallel structure.
<p>Legal Research</p>	<p>Understand the general nature and purpose of legal research.</p>

<p>(taught first semester and reinforced by legal writing faculty second semester)</p>	<p>Develop basic legal research strategies.</p> <p>Understand the difference between primary and secondary authority, mandatory and persuasive authority, and unreported cases, (if the court rules allow).</p> <p>Research case law and:</p> <ul style="list-style-type: none"> • Understand the basic structure of federal and state courts. • Locate cases using citations; headnotes; and natural language and terms-and-connector searches. • Generate search terms. • Recognize unpublished cases. • Determine when research has been sufficient, both in and beyond the jurisdiction, given the time and financial constraints of law practice. <p>Use citators effectively and:</p> <ul style="list-style-type: none"> • Understand the purpose of case citators. • Shepardize or KeyCite a case. • Understand direct and indirect history. • Recognize citator uses beyond case updating, including case finder and citators for statutes. <p>Research statutes and codes, if necessary, and synthesize case law and statutory law.</p>
<p>Oral Argument</p>	<p>Exhibit proper etiquette when observing a court in session.</p> <p>Deliver an oral argument while following court rules, procedures, conventions, and etiquette.</p> <p>Demonstrate the ability to:</p> <ul style="list-style-type: none"> • Speak in a clear, concise, well-organized, and professional manner that is appropriate to the audience and circumstances. • Deliver a coherent, logical, and persuasive argument.

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| | <ul style="list-style-type: none">• Use the introduction to communicate the organization of the argument and use signals as transitions between points and issues.• Persuasively characterize the issues and articulate the specific request for relief.• Use concrete legally relevant facts.• Communicate an in-depth knowledge of the law and the ability to analogize or distinguish decisions.• Support the arguments using appropriate precedent.• Manage time effectively and address all the issues.• Address judges' questions using precedent and legally relevant facts and segue back into the argument.• Show appropriate deference to the court.• Exhibit professional demeanor, including candor to the court as well as appropriate attire. |
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