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# Re-inventing the second semester

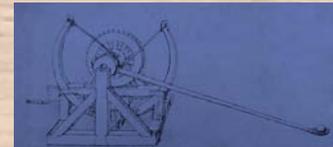
**Get to work!**

# Creating the 2<sup>nd</sup> semester syllabus (persuasive legal writing)

Syllabus LAWR II § 8 ♦ Spring 2011 ♦ Professor Robbins ♦ Tuesdays & Thursdays 9:00-9:50 ♦ Room E112

Date	Topics	Readings prior to class	Experiential Assignment
Week 1 January 6			
Week 2 January 11, 13			
Week 3 January 18, 20			
Week 4 January 25, 27			
Week 5 February 1, 3			
Week 6 February 8, 10			
Week 7 February 15, 17			
Week 8 February 22, 24			
Week 9 March 1, 3			

❖ Assume 20 hours of group teaching



# Common ground



- ❖ Story is important
- ❖ We never have enough teaching time
- ❖ Emphasis should be on student learning
- ❖ Much learning happens outside of class

# How much time did you allot to . . .

❖ Teaching persuasion?

❖ 20 hours

❖ Talking about clients?

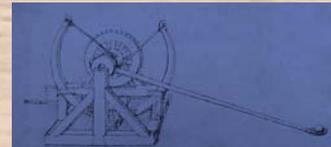
❖ 20 hours

❖ Teaching storytelling?

❖ 20 hours

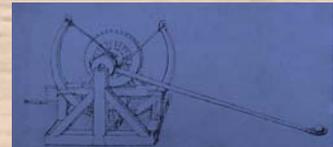
# It's still familiar, but story is more than an add-on

- ❖ Persuasive theory
  - ❖ Statement of the case
  - ❖ Types of legal arguments
  - ❖ Writing the argument persuasively
- ❖ Headings, QP's or Prelim Statements, Tables of Contents etc.
  - ❖ Oral argument

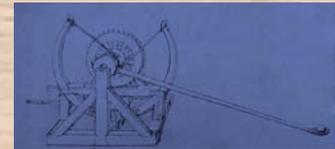


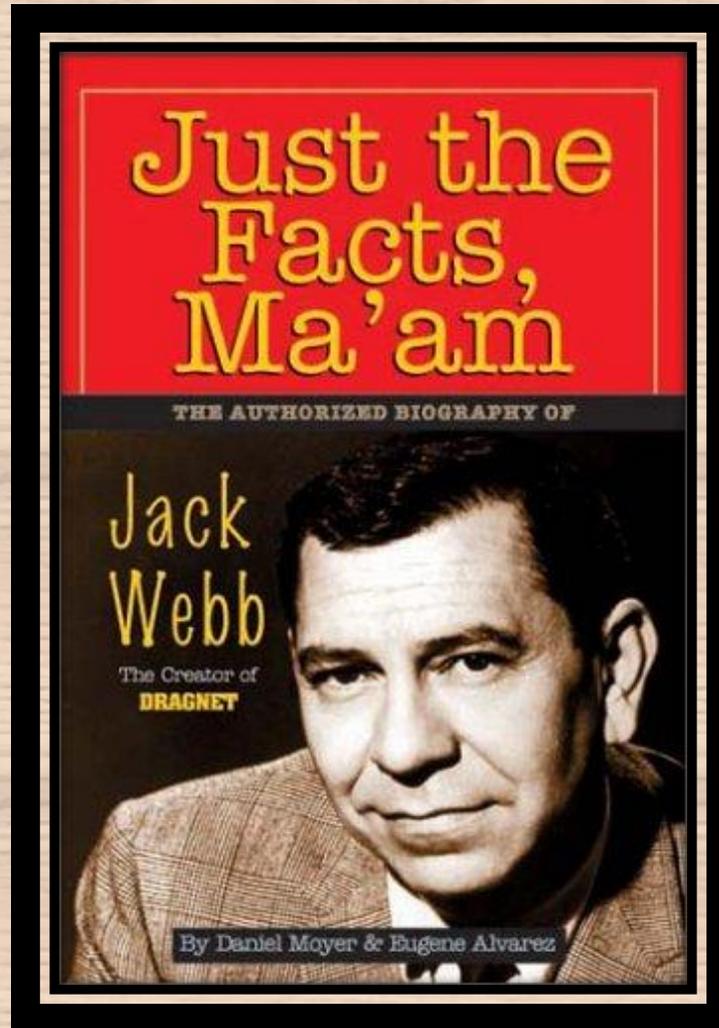
# Outside-of-class learning:

- ❖ Citation
  - ❖ Court rules
  - ❖ Research
- ❖ Perspective is what has changed.



# Persuasive theory





<http://www.youtube.com/watch?v=KfW0iWIHpdg>

# Understanding and being able to retell the client's situation

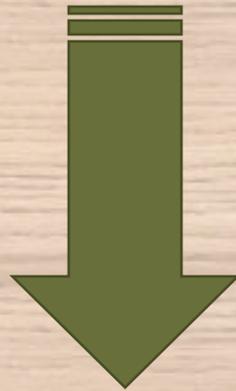
- ❖ Characters
- ❖ Point of view
- ❖ Description & detail
- ❖ Stock structures
- ❖ Visual imagery



Picture from flickr.com & Stanley Stuyvesant column on guestofaguest.com

Writing the story

**Shadow documents**



**Draft of Statement of Case**

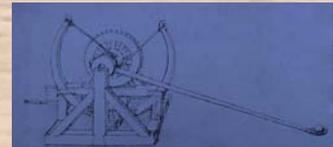
\*Idea came from clinicians

One of these things  
is not like the others



[elder] “abuse” means:

Use of **derogatory** or **inappropriate names**, phrases or profanity, ridicule, harassment, coercion, **threats**, **cursing**, intimidation or inappropriate sexual comments or conduct of such a nature as to threaten significant physical or **emotional harm** to the elderly person.



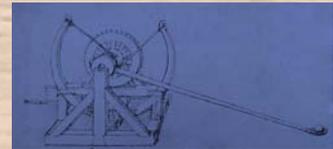
# Character & Point-of-view in Conclusion & Rule Statement

This **Court** can feel comfortable **affirming** the trial court's ruling that these parties fall under the statute's jurisdiction. **Courts** have defined the term "household member" **broadly**, and the majority of decisions have **found in favor of plaintiffs** seeking to fit into that classification. The **courts** use a set of non-exclusive, and **permissive** factors when determining that the plaintiff is a "household member." Those **liberal** factors include . . .

# The opposing party's Rule Statement

Although the Legislature has called for a broad interpretation of the Act's relief, the **appellate courts** nevertheless **carefully stay away from over-stretching the definition** of "household member," and have twice **cautioned lower courts** to place **rational limits** on the Act's jurisdiction when considering the several factors. Therefore, **courts will exclude** situations in which the parties live **outside the norms** of a family or family-like situation, **such as these college classmates** do. To interpret the statute too inclusively, would, according to the **Appellate Division**, create "**absurd results.**"

# The story of “not”



Take-home visual

Storytelling  
for the client

all the way down

