"Make law students pore over reams of tedious, hyperformal, creaky prose. Acculturate them to pomposity. Then what do you suppose you’ll get? You’ll end up with average legal writers: wordy, stuffy, artificial, often ungrammatical, and largely unreadable. *** Although it won’t be easy, once you become a skillful writer—especially a skillful writer on legal subjects—your rewards will be great. *** Legal employers prize writing ability more highly than almost any other skill ***. If you can write—really write—people will assume certain other things about you. The most important is that you’re a clear thinker." 1 -- Garner, Bryan A., Legal Writing in Plain English, pp 1-2 (2nd Ed 2013).

COURSE DESCRIPTION
Advanced Legal Writing is an upper division seminar course designed to prepare students to produce the professional writing demanded of a lawyer in any occupational niche. The course will reinforce five core legal writing principles emphasized in the Legal Research and Writing courses: analysis, organization, objectivity, clarity, and legal judgment. The focus will be on two types of legal writing: (1) advisory or predictive legal writing (advice based on legal judgment as to how the jurisdiction's courts would likely rule), and (2) advocacy or persuasive legal writing, typically used in briefing and negotiation. The course will also cover the distinctive aspects of statutory and rule drafting. Grading is based on overall performance, including two major graded writing assignments, each consisting of a draft and a revision based on professor comments on the draft, with weight given to seminar participation and completion of a number of ungraded written exercises prepared during seminar sessions. This course will satisfy the Professional Skills Writing Requirement. Seminar capacity is capped at 15 students. Credit: 3 hours

REQUIRED TEXTS
Bryan Garner, LEGAL WRITING IN PLAIN ENGLISH (University of Chicago Press, 2nd Ed. 2013)

SUPPLEMENTAL READING MATERIALS
Williams, STYLE: LESSONS IN CLARITY & GRACE (11th Ed.Pearson 2012);

1 The converse proposition is also true: one has to be a clear thinker to write well. This seminar will help you think more clearly when writing.
LOGISTICS: WHAT, WHERE & WHEN

WHEN: The Advanced Legal Writing Seminar will be taught on Mondays and Wednesdays from 3:20 PM to 4:50 PM. The first class is January 11; the last class is April 13. There is no class on March 21 or 23 during the week of Spring Break (March 21-25, 2016).

WHERE: The seminar is held in Room 238, located on library main floor.

WHAT TO BRING: Bring a laptop tablet capable of printing written exercises on nearby library printer, which we will often do during seminar sessions.

UNGRADED WRITTEN EXERCISES
In most seminar sessions, there will be either written exercises to complete during sessions, or exercises prepared outside class to be discussed and compared during sessions. These exercises will not themselves be graded for legal writing proficiency, but the extent of completion of them will count toward the final grade for the course. Seminar participants will routinely edit each other's written exercises during sessions.

GRADED MAJOR WRITING ASSIGNMENTS
1. First writing assignment (advocacy) -- distributed week 2 (Jan 18); draft due week 4 (Feb 1); professor comments due week 5 (Feb 8); revision due week 7 (Feb 22).
2. Second writing assignment (advice) -- distributed week 7 (Feb 22), draft due week 9 (Mar 9), professor comments due week 10 (Mar 16), revision due week 12 (April 6).

SEMINAR PARTICPATION: The quality and degree of active participation in seminar sessions will count toward the final grade.

FINAL GRADE: The final grade will be determined by considering overall performance, with approximate weight being given as follows: extent of completion of ungraded written exercises (20%); two graded writing assignments (2x 30% totaling 60%); and seminar participation (10%).

SCHEDULE
- Section Numbers refer to main text: Bryan Garner's Legal Writing In Plain English (LWPE)
- A and B refer to the first and second seminar sessions in a week (Mondays and Wednesdays)

Jan 11, 2015 and Jan 13, 2015 (A & B)
WEEK 1: SEMINAR OVERVIEW & LEGAL JUDGMENT

LWPE PART ONE: PRINCIPLES FOR ALL LEGAL WRITING
1. Framing Your Thoughts
§ 1. Have something to say— and think it through.

Jan 11: 1A. INTRODUCTION & COURSE OVERVIEW; CASE BRIEFING
a. **Case brief: Henderson v. Ford Motor Co., 519 S.W. 2d 87 (Tex. 1974).**

*Facts:* While driving in city traffic, Henderson found that, despite repeated attempts, she couldn’t brake. To avoid injuring anyone, she ran into a pole. An investigator later found that part of a rubber gasket from the air filter had gotten into the carburetor. Henderson sued Ford on various theories, including defective design. Her expert witness didn’t criticize the design of the gasket, carburetor, or air filter, but did say that the positioning of the parts might have been better. No one testified that the air-filter housing was unreasonably dangerous from the time of installation. Yet the jury determined that the air-filter housing was defective and that this defect had caused Henderson’s damage.

*Question [Issue]:* The expert witness didn’t testify that the design was unreasonably dangerous—only that it could be improved on. Is this testimony sufficient to support a jury finding that a product’s design is unreasonably dangerous?

*Holding:* Mere evidence that a design could be made better—without evidence that the design itself was unreasonably dangerous—is insufficient to impose liability on a manufacturer.

*Reasoning:* A plaintiff in a design-defect case must provide some evidence that the design of the product made it unreasonably dangerous. Specifically, the evidence must show that a prudent manufacturer who was knowledgeable about the risks would not have placed the particular product in the stream of commerce. Mere speculation that a product might be improved on does not constitute evidence of a design defect. A manufacturer is not required to design the best product that is scientifically possible.

b. **Why is this case brief a model of this form of written work product? What are its good attributes that should be emulated?**

c. **What is the value of case briefing for law school? For law practice?**

**ASSIGNMENT for second seminar (Jan 13th):** Write a 1-page case brief for *May Trucking Co. v. Dept of Transportation, 203 Or App 564 (2006)* using the Issue/Question, Holding, Reasons format. Print it out unsigned and unattributed, and bring it to the Jan 13th class (1B), where each will each edit a peer's case brief, anonymously.

**Jan 13: 1B. PRACTICE SUMMARIZING RATIONALE OF CASES AND COMPARE**

a. Exchange of and peer-editing of case brief assigned in previous session[: *May Trucking Co. v. Dept of Transportation, 203 Or App 564 (2006)] and follow-up discussion.

b. *During* this seminar session, we will individually write a case brief for a different (but related) case, *May Trucking Company v. Or. Dept. of Transportation, 388 F3d 1261 (9th Cir 2004)*, print it out, exchange and peer-edit the work product, and compare notes. As a group we will attempt to identify the optimal language.

c. **Why does the writing in a case brief matter?** Be prepared to discuss.