

| WEEK 13 | Class 7 | Class 8 |
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| In Class | Legal Writing in Law Enforcement - tickets and police reports; rights upon arrest (<i>Miranda</i> and <i>Gideon</i>); Review Criminal Justice Amendments 4th, 5th, 6th, and 8th. | Legal Writing as a Lawyer - Rules of Professional Conduct; MPRE (Ethics) Exam sample questions and answers; hypotheticals re: written client communications |
| homework | Review ABA Model Rules of Professional Conduct 1.1 (Competence); 1.4 (Communication); Rule 1.6 (Confidentiality); 6.1 (Pro Bono Publico (Voluntary Service)); and 7.1 and 7.2 (Communications Re: Services). Next imagine you have just started a Criminal Defense Practice and a potential client emails you to and ask for your help with a complex DUI case. They have past convictions and are facing significant jail time and a potential felony conviction. You need the money and are anxious to build your clientele but you only have experience with low-level traffic offenses. Draft an email response to your prospective client. Why did you respond they way you did? Is there any way you can take the case and abide by the model rules? Bring your email response and reflection explaining your choices to class. ABA's Model Rules available: https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents | We have now looked at sample ethics questions and overviewed key Rules of Professional Conduct, with that knowledge in mind, draft an initial script of an intake interview you would ask a client before taking their case. Why did you write what you did? What would you make sure to include in an Engagement Letter before you accepted a case? Anything you would sure to avoid? Why? What about fee agreements? When would you discuss what you were going to charge your client? Would you adjust your rates based on the level of experience or something else? (Draft your interview questions and take notes on what you would include in an Engagement Letter/Fee Agreement). |
| WEEK 14 | Class 9 | Class 10 |
| In Class | Legal Writing as a Lawyer: Client Communications - Intake Interviews & Engagement Letters; Criminal Court Motions re: Evidence | Legal Writing for Trial Lawyers - Federal Rules of Evidence, Jury Selection, Opening Statements, and Direct Examinations |
| homework | Review ABA Model Rule 3.4 Special Duties as a Prosecutor, Review Federal Rules of Evidence re: Relevance: 401-406. Now, imagine you are a prosecutor and are considering whether you can get the history of a defendant charged with his 3rd DUI, prior convictions for DUI admitted into evidence in his current case. The Court has required you to write a motion before holding hearing regarding the admissibility of the evidence. What argument would you make. Specifically as it applies to Rule 403 (the balancing test). Write notes and bring them with you to class. What argument would the defense have that the evidence should stay out of court? How will you respond? Read and Brief: <i>Batson v. Kentucky</i> | We covered a lot of material in class today. What was the most interesting to you and why? Did anything surprise you? How would you take notes during court to maintain your effectiveness? Why? What would you leave out? What is the most effective way to use writing to prepare for success in court? WE discussed the distinct between direct and cross examinations - if you were writing a script for a cross examination what would you make sure to include? How would it change compared to your preparation for direct? Read article re: jury instructions |
| WEEK 15 | Class 11 | Class 12 |
| In Class | Cross Examination, Closing Arguments, and Jury Instructions | Legal Writing for Appellate Lawyers: Opening Brief and Oral Arguments |
| homework | Review sample opening breifs and oral arguments. If you wanted to focus on professional legal writing appeallate law would be an option. Reading the sample motions what questions come up? | Consider final reflection and writing options. |
| WEEK 16 | Class 13 - Written Reflection and Writing Workshop | Class 14 - Written Reflection and Writing Workshop (submit final written reflection) |