

LEGAL PROFESSION PROGRAM POLICIES

Introduction

The Legal Profession Program introduces you to fundamental lawyering skills. Legal Profession I focuses on the skills of legal reasoning and analysis, legal research techniques, and effective communication of the results of research and analysis. Legal Profession II develops these skills within the pretrial context and expands on persuasive writing skills and electronic legal research skills.

One of the goals of the Legal Profession Program is to help you develop and trust your own legal judgment. Assignments will challenge you, and no easy or "quick fix" is available. As in law practice, there is no "answer book." You must make your own decisions and act on them until a partner, a judge, a client, or a litigation opponent influences you otherwise. You will learn how to make hard decisions and how to live with them once you have made them.

Legal Profession Program Class Policies

Assignment Format Requirements

Traditionally, court rules dictated the length and the margins of filings. For example, the Northern District of Ohio required that a document be "plainly typewritten, printed, or prepared by a clearly legible duplication process, and double-spaced except for quoted material. Each page shall be numbered consecutively." N.D. Ohio Local Rule 10.1 (2001).

Today, because of the advances in technology that allow an author to manipulate fonts, spacing, and margins, many courts require more rigid, exacting format standards. The Seventh Circuit Court of Appeals recently issued a three page document, "New Requirements for Briefs and Other Papers," to explain the format requirement articulated in new Circuit Rule 32. The explanation details the dots per inch standards of various printers, proportional and mono-spaced fonts, serif and sans-serif type, characters per line, and new ways to measure the length of a brief using word counts. In addition, some courts are now requiring that attorneys file a computer disk containing the filed document in addition to the paper brief. See 1st Cir. Local Rule 32.

These requirements are not simply petty details. Rather, the courts' goal is to produce a level playing field where litigants get equal time, or really space, to make their arguments to the court. "This rule is designed not only to make documents more readable but also ensure that different methods of reproduction (and different levels of technological sophistication among lawyers) do not affect the length of an allowable brief." *New Requirements*, p. 1.

Courts take the limitations imposed on briefs seriously and impose sanctions for violations. They will not tolerate counsel's attempts to evade page limits by using typographical tricks. *See, e.g., EDC, Inc. v. Navistar Int'l Transp. Corp.*, 915 F.2d 1082, 1084 (7th Cir. 1990) ("Game-playing wastes the time of this court, time increasingly scarce as our docket grows at a rate exceeding 10% each year," and issuing an order for counsel to show cause why the appeal should not be dismissed); *Westinghouse Elec. Corp. v. NLRB*, 809 F.2d 419, 425 (7th Cir. 1987) (where lawyers violated margin, spacing, and other format

requirements, court had the sense the lawyer "told the word processing department to jiggle the formatting controls until the brief had been reduced to 50 pages," and imposed a penalty of \$1,000, which counsel could not pass on to the client).

Legal Profession documents are no different than court documents in that the faculty seeks a level playing field for students and readable print. Generally, graded assignments should follow these format guidelines:

- **Double-spaced with a minimum font size of 12 (Times New Roman, Palatino Linotype, Georgia, or any other font approved by your professor)**
- **One-inch margins**
- **Numbered pages**
- **Students must upload one electronic copy and may also be required to submit one paper copy per class instructions**
- **Left margin justification**

Anonymous Grading

At UDSL, "[a]ll examinations, including midterm examinations, are administered anonymously to insure the integrity and fairness of the grading process. Whenever practicable, other graded exercises that contribute toward the course grade should be submitted anonymously as well. Typically, the Registrar will assign an examination number to each student, which will not be disclosed to the course instructor until after he or she has submitted at least a Preliminary Grade Sheet reflecting the grades by examination number." See UDSL Policy Manual (available on Porches). Some electronic submission sites used in Legal Profession may require you to create an assignment number for anonymous grading. Final course grades in Legal Profession are typically calculated on a weighted grading system where earlier assignments receive less weight in the final course grade. These grading methods allow students to learn from initial problems they may experience from the task of communicating newly acquired legal analysis to a specific legal reader or audience. The individual Legal Profession faculty members will provide students with the specifics of the grading system used in each course.

All major graded Legal Profession assignments are submitted and graded anonymously. Therefore, you are NOT to include your name on any major graded assignment; instead you will use an identification number for each assignment. Include that number, and your professor's name where designated on every assignment submitted. The Legal Profession professor will not have access to the identification numbers until all the assignments are graded. **You will have a different identification number for each graded assignment.**

To maintain anonymity, if required, paper copies of graded Legal Profession assignments should be turned in at the Legal Profession "lockbox" located on the fourth floor landing and electronic copies should be uploaded according to class instructions. **Prior to uploading an assignment, it is your responsibility to remove identifying information from the "properties" of the file.** To do this in Word, click on the "File" tab. Then, under "Info," select "Check for Issues." Click all boxes, except headers and footers, and click "Inspect." Be sure to do the process as a final step to any document submitted.

Electronic Filing

Electronic filing of court documents is the growing trend in state and federal courts. Within the federal courts, the Case Management/Electronic Court Filing (CM/ECF) project is in full swing and all federal courts require electronic court filings. There are similar initiatives in many state courts, including Ohio, New York, and California. Many courts already have local rules requiring attorneys to submit briefs in an electronic format (*e.g.*, the Federal Circuit and the 1st, 7th and 11th Circuits). In fact, the Southern District of Ohio, the local federal district court in Dayton, now requires parties to file all court documents electronically. While some judges prefer to access briefs in the electronic format, many judges still prefer to read briefs in paper. *See generally* Maria Perez Crist, *The E-Brief: Legal Writing for an Online World*, 33 N.M. L. Rev. 49 (2003).

In response to this trend in legal practice, major graded assignments, as designated by your professor, must be submitted electronically. Electronic submissions may be uploaded to a university server (if your professor is using Isidore, for example) or to an electronic drop box available on TWEN or Lexis WebCourse. You will be provided with specific instructions for uploading your assignments.

In addition to the uploaded assignment, you may also be required to submit one paper copy of the graded assignment. If required, the paper copy should be turned in at the Legal Profession drop box on the fourth floor. Your professor will advise you of the deadlines for the electronic and paper submissions. **For purposes of determining the timeliness of your writing assignments, the final uploading date and time for each graded assignment, as shown on the log, will control.**

If you encounter any difficulties with uploading your assignment, contact Customer Service at TWEN (Westlaw) or Lexis (whichever is applicable). If you are using Isidore and uploading to a university server, you should contact the e-learning Line at the University of Dayton's Learning Teaching Center for assistance. The e-learning Line does not accept emails. Their phone number is **937.229.5039**. To preserve anonymity, do not contact your Legal Profession professor; however, **to prove your attempt to make a timely submission, send an email to faculty secretary Maribeth Mulhern (mmulhern1@udayton.edu) with your assignment attached.** In your email to Ms. Mulhern, describe the problem you are experiencing, the steps you've taken to resolve it, and attach a copy of your assignment.

It is your responsibility to be sure that you have uploaded the correct file in a timely manner. All assignments should be completed in Microsoft Word. Be sure to save and close your document before you upload it. Uploading an open file may corrupt the file and make it inaccessible by your professor. After you upload your assignment, always check to make sure you have uploaded the correct version.

Your professor may use the paper copy or the electronic copy for evaluation purposes. However, both copies must be identical. If evaluating the electronic copy, your professor will only evaluate the timely filed electronic copy. Late uploads will not be evaluated unless your professor receives notification from faculty secretary, Maribeth Mulhern, that there will be a late submission. It is your responsibility to contact Ms. Mulhern if you will be uploading a late submission. Do not contact your professor. You will be notified by e-mail when the evaluations are complete and receive further instructions in class.

UDSL Email

You should have received a UDSL e-mail address during Orientation. You are expected to use and monitor this e-mail account. A failure to read your e-mail is not an excuse for missing important announcements. If you did not receive an e-mail account, contact Steve Streck, (sstreck1@udayton.edu), the Law School's Computer Support Specialist. Mr. Streck's office is in the Room 212S, the Computer Training Center located in the law library. If you are unfamiliar with using e-mail or are having problems with your e-mail, again, you should contact Mr. Streck. You may access your e-mail from home or from networked computers on campus; these are located in the Law School Library.

Legal Profession Program Ethical Requirements

Introduction

Much of the law school experience is based on open discussion among students of the cases they are reading, the outlines they are making, and the practice exams on reserve in the library. Thanks to movies and TV, many people seem to know that law students often work collectively in student study groups or with study partners.

In Legal Profession courses, much work is also performed collaboratively. For example, to learn research, students may be placed in teams to work collectively on a single research assignment. Legal Profession students may compare class notes and review exercises and sample papers together. In practice, lawyers may also work in teams, and often discuss client relations, litigation strategy, and legal issues. But in a law firm, few law firms have the luxury of assigning multiple associates to the same research and memo or brief assignment. Instead, most research and writing is performed independently. One individual attorney drafts a memorandum or a brief based on the resources her research located. Later this written product is circulated to partners who will edit, revise, make suggestions and review again before the document is deemed acceptable and complete. Thus, to prepare you for practice, you need to be able to work both collaboratively and independently.

Therefore, as part of your ethical obligations in Legal Profession courses, you are expected to understand the policies related to collaborative and independent work associated with the course requirements. If you have questions about any of these policies, check with your Legal Profession professor. Further, if you have first-hand knowledge that a classmate has violated any of these ethical obligations, you are required to report them to the Honor Council.

I. Academic Dishonesty

Dishonorable conduct under the UDSL Honor Code includes "[u]tilizing unauthorized materials or otherwise breaching, in any manner, the instructions of a professor . . . regarding examinations or assignments."

Stated conditions for Legal Profession assignments may include:

Research Media:

It is important that you develop skills using a variety of research media including: books, Lexis, Westlaw, and the Internet. Throughout the year, you may have research assignments that focus on the use of one or more of the different research media. You are required to use the research media called for in the assignment instructions to complete the assignment.

“Closed” assignments:

When an assignment is designated as "closed," you are restricted to use only the materials provided by your Legal Profession professor. No outside research is permitted.

Open discussion vs. independent work:

Each graded assignment will be designated as "open discussion" or "independent work." It is an act of academic dishonesty to violate the applicable policy on any given assignment.

a. Open Discussion

In an Open Discussion assignment, first-year students may discuss and debate the law, issues and ideas in an assignment **only with his or her Legal Profession professor, Teaching Assistant, or other first-year students**, if they wish. Students are free to work with others, but no one is required to enter into the discussion; it is the student's choice to participate or not. Once students produce written outlines or drafts, they must work independently to complete the assignment. Students may not exchange or edit each other's written drafts. **Open discussion does not include: sharing or working together from a master draft or composite outline, or sharing or dividing the work necessary for an assignment.** When an assignment is still in draft, the draft may be reviewed only by your professor or the professor's Legal Profession Teaching Assistant. Your professor will provide instructions on how to submit drafts. **Students may NOT ask anyone else to review their drafts or final papers. This prohibition includes other students, friends, family, Academic Success Program Faculty and Teaching Assistants, tutors, and any other legal professionals.**

b. Independent Work Requirement

In an Independent Work Requirement assignment, the student must work independently throughout all phases of the assignment. Under this requirement, students may not "compare notes" with other students. Instead, students make their own judgments and take individual responsibility for the process of research, analysis and/or writing. **Students may NOT ask anyone else to review their drafts or final papers. This prohibition includes other students, friends, family, Academic Success Program Faculty and Teaching Assistants, tutors, and any other legal professionals.**

Library Rules

Legal Profession students are expected to comply with the General Rules contained in the Law Library Guide. In addition, Legal Profession students:

- may not hide or remove library materials, print-outs, or equipment or otherwise prevent their use by others; and

- may not allow access by anyone other than yourself to use your WESTLAW and LEXIS passwords.

Deadline Extensions

Your Legal Profession professor will establish if late papers will be accepted and the consequences for turning in an assignment after the established deadline.

If you have been granted a deadline extension, you may not solicit or receive assistance from anyone, including students who have already submitted the assignment, or review a copy of an assignment that has been submitted.

Completed Assignments

Completed Legal Profession assignments and related materials, may only be used for your own personal benefit, such as sharing the materials with others to improve your writing, or as a writing sample for employment purposes. Please do not share your completed assignments and other materials distributed in class with other incoming students because they may be working on similar assignments.

II. Plagiarism

Plagiarism includes using the words, thoughts, or ideas of another without attribution consistent with standard legal citation manuals (e.g., ALWD Citation Manual or Bluebook), so that they seem as if they are your own. Depending on the circumstances, proper attribution should include a citation, as well as quotation marks. **Under Legal Profession Program policies, intent is NOT required for the act of plagiarism.** You may not intend to plagiarize, but because of inadequate research skills, note-taking, and documentation, you may end up plagiarizing unintentionally. Unintentional plagiarism is still plagiarism.

This type of misconduct can take many forms. The most blatant example includes copying someone else's work word for word or turning in an assignment written by another, but claimed as your own work. Other examples include rewriting someone else's work with only minor changes, or summarizing another's work or taking another person's idea without acknowledging the source through proper attribution and citation. Please note that in legal writing, the "work" includes primary sources of legal authority, such as a case or a statute; secondary sources, such as a law review article; and Internet materials, such as a brief or article.

An inference that you have inappropriately used the work of others will arise when significant sections of an assignment match other sources without appropriate attribution; when any portion of the assignment borrows heavily from a particular source, including the Internet—whether verbatim or paraphrased—and the source is not acknowledged; and when you fail to follow conventions for indicating direct quotations (e.g., when a paraphrase is too close to the original or when an actual direct quotation is not indicated with quotation marks). Failure to identify direct quotations is a problem regardless of whether the source is actually cited.

Students sometimes make minor mistakes in completing academic assignments. While one missing citation in an assignment may, in most instances, be considered a careless mistake rather than academic

dishonesty, multiple instances of failing to provide proper attribution through quotation marks and/or citations will give rise to an inference that you have inappropriately used the work of others and will be reported to the Honor Council.

Legal Profession Faculty

The Legal Profession Program has many talented individuals to assist you as you develop your lawyering skills. The following lists key individuals in the Program, and how to contact them.

Legal Profession Program Faculty:

Ericka Curran	Keller Hall 411	229-3325	ecurran1@udayton.edu
Ebony Davenport	Keller Hall 451	229-4508	davenportel@udayton.edu
Lori Shaw	Keller Hall 203	229-2749	lshaw1@udayton.edu
Adam Todd	Keller Hall 428	229-2647	atodd1@udayton.edu
Victoria VanZandt	Keller Hall 419	229-5442	vvanzandt1@udayton.edu
Julie Zink	Keller Hall 413	229-3542	jzink1@udayton.edu

Legal Profession Teaching Assistants:

The Legal Profession Teaching Assistant is an upper-level law student who may assist your professor by holding office hours to answer questions, checking homework, or looking over and commenting on drafts. Your professor will inform you as to how the teaching assistants will be helping with your class, and how you may contact the teaching assistants.