

Spring Capstone Assignment: Instruction Manual for Writing a Brief

Background & Context

Last semester, in addition to learning the genre of the Legal Office Memorandum, you also learned processes for teaching yourself how to write. You got practice reading, understanding and synthesizing new areas of law. And you developed skills and processes to help you be able to write, even as you were refining your knowledge of the genre. The “learning how to write” part should come a lot easier to you this semester. But it is nonetheless important that you continue to practice it. After you graduate, you will have to draft all sorts of documents that are unfamiliar to you. One of the goals of this semester is that you have a place to start if you’re asked to write a document you’ve never heard of. For instance, where would you start if you were asked to draft a contract between two roommates? A motion to compel discovery? A law review note or article? Legislation about education finance?¹

Purpose

This assignment will build on the practice you’ve had in using example writing samples (models) to understand what the genre of the brief looks like.²

Your assignment is to keep track of what you learn and what you teach yourself about writing appellate briefs so that you will have a resource to take with after this class. You will probably use what you learn to write your Tullis brief next year. This will be an ungraded assignment, but I will collect it at the end of the semester. Additionally, I’ll ask you to bring the document with you each time you meet with me (for office hours or for conferences) so that you can update it.

Procedure

1. Use these activities about learning a new genre & using what you’ve learned to write (and what we learn in class) to train yourself how to use Model writing samples like an expert writer would.
2. Every time you sit down to work on the Appellate Brief, open up this template and jot down a few notes about your process. If you’d like, you can use this process log, or you

¹ The good news is that you won’t be expected, for this class, to master every type of writing you’ll be asked to do after you graduate. But you are expected to build the skills that will allow you to teach yourself these types of writing when you need to learn them.

² Remember what you learned last semester: *The skill of learning to write in a new genre will be one you will employ often in your future careers. Every law practice is different, but you may be asked to write: contracts, motions for summary judgment, initial public offering prospectuses, trial briefs, bench briefs or even legal opinions. You don’t have enough time to devote to learning every single genre you’ll need to know eventually while in law school. But you can develop the skills and processes to make learning those new genres easier once you’re in a job or internship.*

can just freewrite. Alternatively, you can create a special section in PowerNotes to jot down notes for yourself and then export those notes to your Capstone.

3. At the end of the semester, review your process log and arrange it in a way that will be helpful to your future self as a writing manual for the memo.

FAQs

Will this assignment be graded?

No. You will get credit just for turning in whatever you come up with. Remember, this is meant to be a tool for you to learn, not a way for me to assess your learning. Make this useful for you. (It is also useful for me in diagnosing where students are “getting it” and where they need more help. But that is a secondary goal).

When is it due?

At the end of the semester. After you’ve taken all your exams. But that’s just when you need to turn it in. You should work on it throughout the whole semester.

What if I’m too busy to work on it?

You’d be amazed at how much you’re able to put down on paper if you just use this to help you organize your thoughts. And being intentional about your writing process now could even help you save time at the end of the semester, when you’ll be really glad you’re efficient.

But what if I’m still too busy to work on it?

Try using a voice-to-text feature and just dictate your thoughts. I won’t be grading for grammar or style (in fact, I won’t be grading it at all).