



EVROPSKÁ UNIE  
Evropské strukturální a investiční fondy  
Operační program Výzkum, vývoj a vzdělávání



## Univerzita Palackého jako komplexní vzdělávací instituce

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Faculty of Law  
Palacky University in Olomouc  
Centre for Clinical Legal Education

Legal Skills Course  
Course Syllabus

Summer Term  
2020

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## Part I.

Legal Skills Course is an elective course taught by the Centre of Clinical Legal Education. It is offered in the Summer Semester to the Erasmus students, English Master in International and European Law and the Czech Law students interested in skills development in the English Language. The course (CPV/NLSC, CPV/LSC and CPV/ELSC is taught once a week in course composed from 12 to 13 classes lasting 90 minutes each week. Students, who wish to enrol in this course, should do so before the beginning of the Summer Semester through STAG.

### Classes

LSC aims to cover basic legal skills needed in advocacy as well as in any legal profession. The emphasis is places on the communication skills, because they are the corner stone in every profession working with clients. After passing LSC, the students should have a complete set of skills allowing them to handle a legal case, issue or a simple everyday problem.

The classes are composed as such:

1. Introduction + Legal Skills
2. Diamond
3. Interviewing I
4. Interviewing II – Active listening
5. Interviewing – Assessment
6. Organising facts of the case
7. Problem solving + presentation skills
8. Argumentation (extra presentation)
9. Negotiation (extra debate)
10. Writing legal documents
11. Counselling
12. Counselling – Assessment
13. Extra class – Writing in Readable style + Legal Advice

### Assessment

The students collect points throughout the semester. There are three assessed activities during the semester and the attendance in classes counts for the points as well.

The maximum points a student can reach is 100 or 120 with both extra activities. There are three assessed activities for 30 points each – interviewing, counselling and legal advice, attendance for 10 point and two extra activities for 10 points tops – presentation and debate.

Assessed activities take place:

1. Introduction + Legal Skills
2. Diamond
3. Interviewing I
4. Interviewing II – Active listening
5. **INTERVIEWING – ASSESSMENT**
6. Organising facts of the case

7. Problem solving + presentation skills
- 8. ARGUMENTATION (EXTRA PRESENTATION)**
- 9. NEGOTIATION (EXTRA DEBATE)**
10. Writing legal documents
11. Counselling
- 12. COUNCELING – ASSESSMENT**
13. Extra class – Writing in Readable style + Legal Advice
  - **LEGAL ADVICE DEADLINE WITHIN 2 WEEKS FROM THE LAST CLASS** – send to email

### Attendance

The attendance is not compulsory, although the students who attend classes are awarded with points, there are 12 scheduled classes and 2 absences allowed, thus, the students can get up to 10 points if they show for at least 10 classes. There are two compulsory classes the students have to attend and these are 5. Class and 12. Class, where students come in to play the clients for interviewing and counselling.

### Grades

Students are given the final grade according to the number of points they are able to collect from all the activities.

For students, who are graded A to F, the points go as follows:

A – 100 - 91

B – 90 - 81

C – 80 - 71

D – 70 - 61

E – 60 - 50

F – 49 and less ☹

For students, who are graded pass/fail, the threshold is at 65 points.

## PART II.

### 1. Class

#### a) Introduction to Legal Skills Course

Student get to know basis information on the course from the presentation that entails:

- Who is lecturer and how to contact them
- What are the rules for absences in the class
  - o There are 2 absences allowed
  - o And 2 compulsory classes
- What and how they are going to be assessed on
  - o Throughout the semester the students collect points, together they can collect up to 100 points (120 points if they decide to do both extra activities and excel them)
  - o The points are obtained:
    - 30 points interviewing
    - 30 points counselling
    - 30 points written legal advice
    - 10 points attendance (12 classes, 2 allowed absences = 10 evaluated classes)
    - 2 extra activities for 10 points each
      - Presentation of the case
      - Debate – argumentation
- What are the grades according to the number of points obtained
  - o For ERASMUS students
    - A – 100 - 91
    - B – 90 - 81
    - C – 80 - 71
    - D – 70 - 61
    - E – 60 - 50
    - F – 50 and less ☹
  - o For HOME students
    - PASS 100 – 65
- And how are we going to communicate through the semester
  - o The chosen platform to communicate is the Blackboard, students are shown the way how to access the Blackboard

#### b) Legal professions and legal skills

For many students is the concept of legal skills new. The idea of the class is to list as many legal professions, or professions where legal education is required. The legal professions may differ in different jurisdictions. This is encouraged, students should be aware from the beginning that they are in mixed environment. The professions are written on the blackboard in the class. Than the students are encouraged to come up with skills that they consider legal or used in legal environment. Than they should attach legal skills needed for listed professions.

List of professions may entail:

- Judge/ District, regional, high, supreme, constitutional
- Assistant judge
- Prosecutor/states attorney
- Advocate/counsel/attorney/ barrister/solicitor
- Legal trainee
- Notary public/ his assistant/trainee
- Enforcement officer
- Trustee/liquidator in insolvency
- Ombudsman/public defender
- Civil servants/ public officers/ public agents
- Academia/ professors, assistants, PhD
- Law publishers/editors
- Ministry of justice employees
- Corporate lawyers
- International organisations employees
- Arbitrators/ mediators
- Army lawyers/ JAG
- Government
- NGOs
- Municipality
- Diplomacy CD ...

List of skills may entail:

- Communication
- Presentation
- Interviewing
- Counselling
- Mediation
- Analysis
- Argumentation
- Legal writing
- Negotiation
- ...

Students often find that one skill is needed in almost all legal professions and that is communication



c) What you are saying is not always what the other is hearing

In this activity, the students are split into couples. One gets a blank piece of paper, the other a simple picture (symbol, snowflake...). The one with the picture is asked to describe the picture as he sees it, the other is supposed to draw it accordingly. Here the students realize that even the most common shapes such as circle or square do not translate the same with the other person. More difficult it is when one tries to explain something in different language and does not know the proper words and their meaning. Legal language is a foreign language for the client. The legal professional always has to consider this, otherwise miscommunication can lead to misrepresentation.

## 2. Class

### a) Diamond 16 exercise

Diamond exercise follows first class, where skills are discussed. Here the focus is in legal skills and perception of their importance by the students. The students presented with 11 skills and should come up with 5 of their own. Every student should do the Diamond himself or herself, than in snowball way, they are grouped in pairs and subsequently in larger groups, where they should argue for their view of skills placement, but be also able to make compromise, because the group is required to come up with a single solution. Finally, on exemplary Diamond will be made for the whole class to discuss each skill, what do they think it entails, where the skill can be used etc. Finally all the new skills the students had to come up with will be recorded on the board and discussed accordingly. .

The Diamond 16 exercise was created from a pupillage application in the UK, whereby a candidate was asked to place 10 lawyer skills in order of importance. It is a great for the teacher to get a feel of what skills the students are focused on and what skills they think may need to be developed during their education. Students in a playful way realise, what are the competences that they think will make them a good lawyers.

How you do it

- there is a diamond like shape created from 16 boxes
- below are 11 'lawyer skills' that have been provided for the students
- students must also come up with 5 skills of your own that they think a competent lawyer will need when in practice.
- the skills are to be placed in each of the boxes. The top box is for what the students think is the most important skill; the next two boxes are the joint second most important skills, next boxes joint third and so on, until the students get to the one least important skill.
- there is no right or wrong answer, it is purely about what the students think are the important qualities for a lawyer to have
- in group discussions students should feel free to move skills around, if they decide another should take its place

### Diamond 16

A diamond-shaped diagram consisting of 16 empty rectangular boxes arranged in 4 rows. The top row has 1 box, the second row has 2 boxes, the third row has 3 boxes, and the bottom row has 4 boxes. The boxes are arranged in a symmetrical diamond pattern.

#### Lawyer Skills

Assertiveness

Intuition

Analysis

Patience

Thick skin

Empathy

Written skills

Authority

Perseverance

Oral skills

Awareness of ethical issues

**Now think of 5 skills of your own:**

- 1)
- 2)
- 3)
- 4)
- 5)

### 3. Class

#### a) Interviewing

The 3. Class focuses on the first of the legal skills that are covered by this course. Students are thrown in the water right away, a video of interviewing skills from Technical University in Sydney is played twice, the students are required to take notes and note as much as they can. The teacher then asks questions and the class together on the board records the steps of an ideal interview and discuss, why each point takes place in the interview, how it could be done in various variations.

VIDEO: <https://www.youtube.com/watch?v=LoD1xOVFMgQ>

#### b) Discussion of interviewing skills from the video

- 1st rule of client interview – it is an interview focused on clients and their needs and dispositions – interviewer has to be aware of interviewee – the client can be worried, nervous, frightened, confused
- Steps of the interview
  - Put client at ease – discuss icebreakers
  - Contact details – best way to contact
  - Retainer – discussion about cost
  - Confidentiality – what are protected information
  - Previous legal advice – why it is important
  - Fact finding
    - Outline in chronological order
    - Plain english
    - Understanding client
- The students must realise the aim of interviewing – to identify specific issue in clients problem
  - Not judgmental
  - Show courtesy and understanding
  - Ask exhaustive questions in chronological order
- Further the interviewing is about discovering what client wants out of this scenario and what can you do to help him achieve it
  - Always maintain eye contact
  - Do not pretend you know all answers right away, if you do not – further research
- Another steps
  - Wrap up – summarize the facts in mind and get organized
  - Technics of fact finding – to know when to ask open and closed questions
    - Takes practice and time
    - Open – tell own story in own time and comfortable
    - Closed – ask second, never ask too soon
  - Conclusion
    - Recover issues which were raised in interview summarily
    - Written summery – outline follow up action
- Issue with interviewing – time management – get all information and core issue

c) Second video

Students get to see second video of an interview with client. They are asked to follow their notes to see the steps in this interview as well. Was something done differently, did it compromise the interview or not?

VIDEO: <https://www.youtube.com/watch?v=LpPL24DVB70>

Notes from the second interview

- Introduction
- Any icebreaker?
  - o Hand shake
  - o Offer to take place
  - o Offer water
- Discussion about the rules, costs
- What is the nature of the problem?
- What does the client want?
- What kind of questions are asked?
  - o Open
- Did the client bring any materials?
- Conclusion)
  - o Good bye

## 4. Class

### Interviewing 2 – active listening

#### a) Recap of the previous class

- Students are asked to recall steps of interviewing they learnt in previous lesson
- Students are given a Handout with Outline of interview plan and top tips for legal interviewing success – handout is Part III

#### b) Recap of possible interviewing techniques

- Open vs. Closed questions – what are the pros and cons, where to use
- Crucial part to know when to ask is Active listening
  - o To introduce active listening to students videos are shown
    - Funny video from US series Everybody loves Raymond showing Raymond learning active listening skill for parenthood
    - VIDEO: <https://www.youtube.com/watch?v=aP55nA8fQ9I>

#### c) Active listening

Students are after funny video shown real video, they are asked to take notes, and the video is played twice if necessary.

VIDEO: <https://www.youtube.com/watch?v=7AxNI3PhvBo>

The video is discussed with the class; the notes are recorded on the blackboard

#### Active listening

- = gaining good understanding
- Well known problems
  - o Hearing ≠ listening
  - o Listening is the perception of voice, hearing is listening and understanding
  - o We think faster than we hear the voice
  - o One has to avoid being distracted
    - Is not important to hear every word, it is important to discover what is the message of the communication
- Active listening requires the interviewer to take the action
  - o Listen with intensity – concentrate
  - o Empathy – do not colour the message with your own beliefs
  - o Acceptance – if you do not agree, do not judge after the interview
  - o Responsibility for completeness
    - Interviewer can intervene to ensure that the story makes sense
    - Be aware of emotions
    - Ask questions as necessary
- TIPS
  - o Make eye contact
  - o Use non-verbal behaviour – show interest of what the person is saying
  - o Avoid distracting actions when you are listening
  - o Paraphrase – clarify
  - o Do not interrupt or ask too much
  - o Control biases – they may colour our understanding

- Do not say I do not know – say you will look it up

After that discuss active listening in case of difficult clients – angry/ sad/ depressed

d) Active listening in videos

- Students are shown two clips from the US legal series Boston legal. In first scene a mother whose child petitioned court to allow her to have abortion, came to discuss this with attorney of her daughter – example of good listening skills. In second scene a girl comes to the offices of a legal practice seeking representation for claim for damages against her high school that teaches in Sex Ed abstinence only – poor active listening
- Students are encouraged to discuss
- In other video students see an example of poor listening skills, the video points out the errors. In is a scene from US movie Easy A
  - VIDEO: <https://www.youtube.com/watch?v=7AzNPWnzc4>

e) Information about next class

The students are given information on how compulsory interviewing class will look like, they are divided into pairs and choose from one of four cases. They only know from which area of law the case will be – divorce, consumer protection, business contract or medical malpractice. They are supposed to study to steps of the interview as learned in third class as well as the skill of active listening.

f) Optional video

- If enough time is left, students can see a video of Raymon applying his active listening on his daughter
- VIDEO: <https://www.youtube.com/watch?v=4VOubVB4CTU>

## 5. Class

### Compulsory interviewing class

Four students playing clients are brought in, every couple has approximately 20 minutes with a client to conduct the initial fact-finding interview. The couple of students should follow the steps of the interview they learned in previous two lessons. The student volunteers will assess the couples on their interviewing skills and give them a little feedback. Student volunteers are given scripts, but they are free to amend the story upon their wishes, they however have to assess the students accordingly. The students are given the scripts next class, so they have complete information for their legal advice, but for interviewing is the client the one who decides the content.

After the interviewing, student volunteers assess the students following these criteria:

- Putting client at ease (icebreaker, small talk)
- Discussion of contact details
- Discussion of costs
- Previous legal advices on the case
- Eye contact
- Show respect and empathy toward client
- Discussion of Confidentiality
- Permission to take notes
- Plain English
- Establishing what client wants
- Making sure client understands and you all are on same page
- Ask exhaustive questions
- Ask closed questions
- Nonverbal communication
- Cooperation in pair
- Summarization in chronological order
- Outlining follow-up action and options
- Getting all the information
- Paraphrasing
- Concluding and saying goodbye to client

For every criterion, the students can get 0-5 points, 100 points in total. The points translate to the percent, thus 100 points equals 100 percent and 100 percent equals 30 points for interviewing, 85 points equal 85 % in interviewing, which equals 25,5 points. Both students in couple should be assessed with the same amount of points, unless their performance substantially differs.

Assessment sheet and scripts of the interviews are in the Part III.



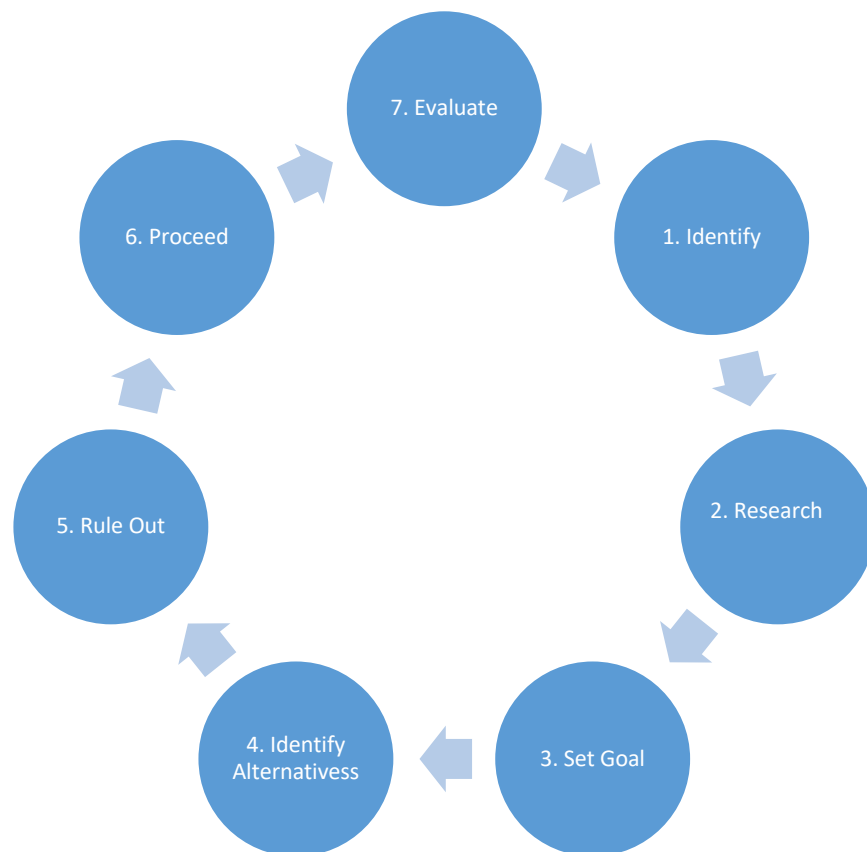
## 6. Class

This class follows the interviewing class, where students were asked to get as much information from the client as possible, in this class they are shown how to organize all the facts.

### a) Circle of problem solving

The students are introduced with a Circle of Problem Solving to realise, that there is some procedure, some steps how to approach a case

An example of such Circle can look like this:



1. Identify the problem
2. Research the problem
3. Set Goal for the approach to the problem
4. Identify alternatives within set goal
5. Rule out unnecessary information
6. Proceed with the decision
7. Evaluate your problem solving

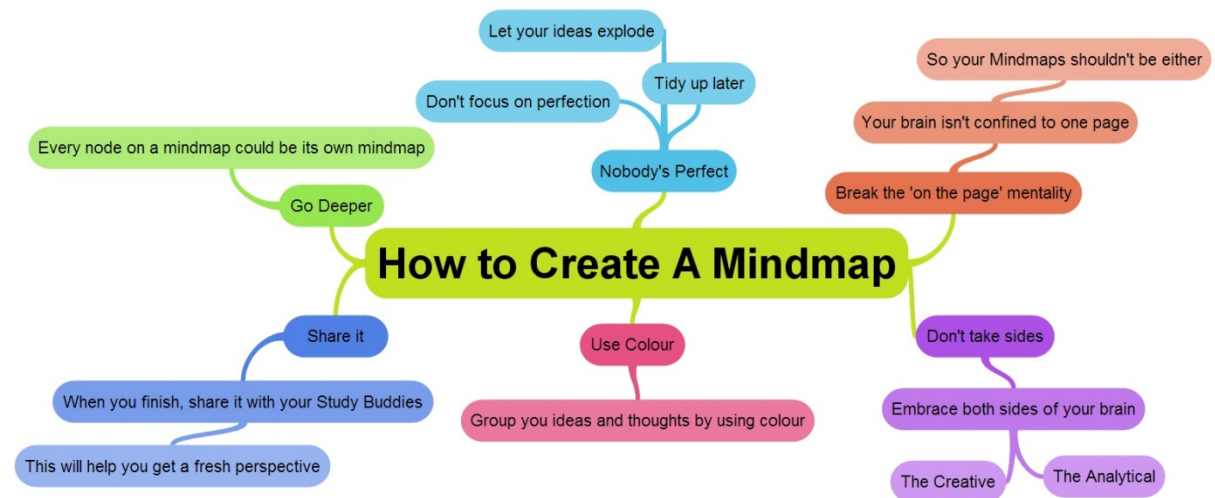
The circle is drawn on the blackboard, students engage in debate what is the meaning behind each step. Students are informed that Problem solving is a topic of another lesson, so they should study the circle for the follow-up.

## b) Case mapping/Mind mapping

Students are informed about various online programs that can help them make sense of the information and the case.

For initial brainstorming, the students can use Mind maps. They are a creative device that can help students see more connections and possibilities in their case.

Example of a mind map and tips how to do a map:



Web pages, where the students can create a mind map are for example:

- <https://www.goconqr.com/en/mind-maps/>
- <https://www.mindmup.com/>
- <http://mindmapfree.com/>
- <https://www.canva.com/graphs/mind-maps/>

Case maps are using more developed software that helps organize the case. More information can be find online:

- <https://www.lexisnexis.com/en-us/products/casemap.page>

DATE & TIME	FACT TEXT	SOURCE(S)	MATERIAL	STATUS	LINKED ISSUES
Mon 11/25/2002	William Lang meets Philip Hawkins while touring Converse Chemical Labs plant in Bakersfield.	Deposition of William Lang, 25:14;	Yes	Disputed by: Us	
12/??/2002	William Lang invites Philip Hawkins to visit Anstar Biotech Industries facilities in Irvine.	InterviewNotes	No	Prospective	Wrongful Termination
01/??/2003	William Lang offers Philip Hawkins Sales Manager position at Anstar Biotech Industries.	InterviewNotes, Email from Phil Hawkins at.	Yes	Undisputed	Retaliation
Mon 01/13/2003	Philip Hawkins joins Anstar Biotech Industries as a Sales Manager.	Anstar Biotech Industries Employment	Yes	Undisputed	
Mon 12/01/2003	Philip Hawkins promoted to Anstar Biotech Industries VP of Sales.	InterviewNotes	Yes	Undisputed	Retaliation
Fri 01/09/2004 to Wed 01/21/2004	Philip Hawkins negotiates draft Hawkins Employment Agreement with William Lang.	Hawkins Employment Agreement	Yes	Undisputed	Wrongful Termination
02/??/2004	William Lang tells Philip Hawkins that he has changed his mind regarding the Hawkins Employment.	Philip Hawkins, Deposition of William	Yes	Disputed by:	Wrongful Termination
03/??/2004	Susan Sheridan has dinner with Linda Collins and complains about Anstar Biotech Industries management.	Deposition of Linda Collins, 33:15.	Unsure	Disputed by:	
Wed 05/11/2005	Philip Hawkins receives Hawkins Performance Review from William Lang. Is rated a 1 "Outstanding"	Hawkins Performance Review	Yes	Undisputed	Wrongful Termination, Deserved Termination
06/??/2005	William Lang makes decision to reduce size of staff.	Deposition of Karen Thomas 43:19	Yes	Disputed by: Us	Hawkins Specific
07/??/2005	Susan Sheridan is terminated.	Deposition of Philip Hawkins	Yes	Undisputed	Pattern & Practice
Mon 07/04/2005	Philip Hawkins allegedly makes derogatory remarks about Linda Collins to Karen Thomas during Anstar	InterviewNotes	Yes	Disputed by:	Deserved Termination
Tue 07/12/2005	Anstar Biotech Industries second quarter sales announced. Sales have dropped by 8%.		Unsure	Undisputed	Demotion, Deserved Termination
Sat 07/30/2005	Philip Hawkins demoted to sales manager.	Deposition of Philip Hawkins, 24:18	Yes	Undisputed	Demotion
Tue 08/02/2005 #1	Philip Hawkins and William Lang meet.	????	Unsure	Undisputed	Hawkins Specific
Tue 08/02/2005 #2	Philip Hawkins alleges that William Lang tells him "The old wood must be trimmed back hard."	Complaint, p. 8; Deposition of Philip	Yes	Disputed by: Us	Hawkins Specific, Demotion

### c) Three pillars of organizing facts of the case

Students are introduced to three basic lists according to which they can organize the facts.

#### 1. Chronology

- students should make a complete list of events and narratives in chronological order starting with the oldest one to the news. If there is a concrete date on which an event happens, they should note the date and create a TIME LINE

#### 2. Object list

- object list entails the objective facts of the case, students need to identify:
  - the people – name, address, phone, mail, who they are, what they know, what they want
  - the documents – a title, date, short summary of content
  - events – when they happened, what they triggered
  - places – where, jurisdiction
  - other facts, that can make up a case – get concise details
- then the students should link the objects to the key issues

#### 3. The Top Ten List

- this list entails subjective facts of the case, students should note:
  - grievances
  - wrongs done to client
  - harmful events
  - losses
  - concerns

- b. students should make a concise list of examples and factors demonstrating the unfitness, for example the list of symptoms, the reasons the opposite party is at fault, what the client wants from the suffering and pain
- d) The three legged stool concept  
Follows the Three Pillars concept, aims to rational the possible outcome of the case. Students should debate the meaning of the concept:
- You do not always get what you want, but if you try very hard, you get what you need.
- If you want to organize and understand the case properly, you have to pose questions to yourselves:
- What information I need to solve the case?
  - Where do I find them?
  - How do I verify that I will use them efficiently? – pros and cons
- e) Advanced organizing facts of the concrete facts  
Students are handed out the scripts of their respective cases. They are asked to go through the cases and try to organize the facts. The table is drawn on the blackboard and the students are trying to fill the information.

	MEDICAL MALPRACTICE	SERVICE CONTRACT	DIVORCE	CONSUMER PROTECTION
The People				
The Documents				
The Events				
What client wants				
Where can I find it				
How to I verify				
Etc				
Etc				
Etc				
...				
...				
...				

- f) Additional materials  
At the end of the class, students are asked, if they wish to know more. Next lesson, or in two lessons, you may bring some further information. Some of these are in Part III.  
Students may ask for:
1. Divorce case
    - a. Medical report/ police statement from the fight
    - b. Statement from the wife/ wife's lawyer
    - c. Information on whereabouts of mother
    - d. Statement of property for potential division
    - e. what school do their children attend – public/private, where

- f. monthly outcome on children's needs/hobbies
- g. children's relationship to both parents
- h. pre-nup
- i. their property
  - i. money – bank accounts, cash
  - ii. house price
  - iii. cars
  - iv. summerhouse
  - v. stocks
  - vi. anything else worth mentioning
  - vii. their incomes
    - 1. his
    - 2. hers
  - viii. their outcomes
  - ix. eventual financial support to the other one
- j. in case of the divorce – if he wants to take care of the children

## 2. Consumer case

- a. Contact details of the company
- b. Bank statement
- c. Phone call transcript
- d. company's record of a call
- e. confirmation of received vouchers
- f. terms and conditions

## 3. Business contract case

- a. Contract
- b. Bill of the payment
- c. Info from lawyers of PT Services
- d. Confirmation that clients wants to sue
- e. Case file from previous representation
- f. Address of the hospital
- g. How much money client wants
- h. witness statements

## 4. Medical malpractice

- a. Insurance company details
- b. Manufacturer details
- c. Address of manufacturer of the drug
- d. Records from the doctor - summary of damages
- e. Insurance company statement
- f. Drug packaging
- g. Expert opinion on damages
- h. Insurance contract
- i. Document that approved the drug
- j. photographs
- k. previous actions in front of the court

## 7. Class

### a) Repetition of Problem solving circle

Students should get all of the 7 steps of the circle and explain the points according to their cases

### b) Another possible steps for Problem solving

- interview
- studying the case
  - o facts – situation, narrative, statements, documents
  - o legal documents – rights and duties of the parties, periods, due dates
  - o legislation + judicature – statutes, precedents, case law, codes
  - o jurisprudence – books, articles, commentaries
- analysis of the case
  - o to connect factual and legal situation
    - Roman Monuments – flipping two lawyers of pictures – factual and legal
  - o set goal/outcome – to solve the case + the solution makes the client happy
  - o if the law allows for more options how to achieve solution for the client – let him choose what will make him happy –give him options with pros and cons
- options
  - o not one single correct solution
  - o client chooses what follows
- make the solution happen
  - o drafting the document
  - o negotiation
  - o settlement
  - o court proceedings

### c) Problem solving strategies

**I – issue**

**R – rules**

**A – application**

**C – conclusion**

H – heading

I – issue

R – rules

A – application

C – conclusion

I – identify issue

S – state the law

A – identify authority

A – apply law

C – reach for conclusion

I – repeat for each issue

S – synthesise into an answer

**M – material facts**

**I – issue**

**R – rules**

**A – arguments/application**

**T – tentative conclusion**

S – subject matter

CA – cause of action and relevant defences

R – rules

P – parties

**S – subject**

**C – cause**

**A – analysis**

**R – remedy**

**P – practicality**

**Y – your recommendation**

**F – fact gathering**

**A – action and analysis**

**I – issue identification**

**L – legal research**

**S – statement of award policy**

**A – application**

**F – finding**

**E – evaluation**

I – instruction from the client

F – facts, documents, assumptions and qualifications

S – short answers

A – action analysis

I – issue by issue identification and analysis

L – legal propositions

A – authority, argument and application

S – summary

O – options, facts and practicalities

R – recommendation

d) Handout Problem Solving

In Part III

e) Presentation skills crash course

Students are shown a presentation on simple basic presentation skills when presenting with PPT presentation. The presentation entails basic principles as well as instructions for the students, who would like to have their own presentation for 10 extra points. If they choose to, they will be presenting their case in the next class

Presentation:

## SLIDESHOW

- **Principles**
  - Structure in points– avoid texts
  - Adjust colours of the presentation to readability
  - Work with fond– readability, effectively
- **Your presentation**
  - 5 slides
  - Light background, dark fond
  - Work with special effects

## PRESENTATION

- **Non-verbal communication**
  - Posture and Movement
  - Gestures
  - Stage fright
- **Your presentation**
  - Not to stand in front of the canvas and turn
  - Be natural
  - Eye contact
  - Coordination with partner

## VERBAL PRESENTATION

- **Communication**
  - Slowly
  - Loudly
  - Comprehensibly
- **Your verbal presentation**
  - Time management – 6 minutes!
  - Do not underestimate preparation
  - Work with pause and avoid language parasites

## STRUCTURE

- **Parameters of the task**
  - Introducing and saying hello
  - Road map
  - Sum up
- **Your structure of presentation**
  - Keep with the presentation – do not jump
  - Divide roles with your partner
  - Do not forget to conclude and say goodbye

## YOUR PRESENTATION

- Story
- Issue
- Rules
- Conclusion
- Proposed options

GOOD LUCK



## 8. Class

### a) Presentations for extra points

### b) Argumentation

Act of process of forming **reasons** and of drawing **conclusions** and of **applying** them to a **case** in discussion.

The students will try to come up with their own definition of argumentation and argument; they have to keep the problem solving strategies in mind, especially IRAC.

Argument is targeting a problem and should be structured

I – issue

R – rules

A – application

C – conclusion

### c) Memorandum of Law

The students are handed a Memorandum of Law, the text is in Part III. In small groups, they are required to read through the text and to extract the main argument and make it in to the IRAC shape.

The students should come up with

I - recording of private conversation and using them as evidence

R – Louisiana revised statutes 15:1303C4

A – it is allowed

C – its within the legal limits

### d) Legally Blond

The students will see a short clip from movie Legally Blond from the court room, they will see it twice. They should again come up a LEGAL argument (there are many factual arguments, but just one explicit legal) and structure it into IRAC

VIDEO: [https://www.youtube.com/watch?v= I\\_GYgGjxFM](https://www.youtube.com/watch?v= I_GYgGjxFM)

I – Representation of a client by a legal student

R - rule 3.03 Supreme Court Ruling

A – with supervision of licenced attorney

C – a student can represent a client in criminal proceedings

### e) Argumentation faults

Students discuss what they think makes up a strong argument.

Students are given Chart of rhetorical faults to study for the debate.



<http://www.informationisbeautiful.net>

#### f) Preparation for the debate

Few controversial topics are presented to the class, the students should have some time to volunteer to do the debate. One student should always be for the argument, one against. The rules of the debate are:

- The debate will begin with a game of rock-paper-scissors, where winner from three rounds will decide, if he will go first or the opponent will
- Each presenter has 4 minutes
- First presenter will talk for 4 minutes, then the opponent, then they both will have two minutes for rebuttal
- The classroom may ask questions
- Last argument will be legal and following IRAC structure - issue, rules, application and conclusion
- Keep the rules for presentation in mind!

Possible topics are:

- Doctors should be criminally responsible for acts non lege artis
- Pharmaceutical companies should be equally responsible as doctors
- Shared custody is the best custody for children of divorced parents
- Infidelity should determine maintenance for children
- Protection of consumer should be on constitutional level
- Corporations should also receive non-pecuniary damages
- Soft drugs should be legal
- Euthanasia should be legal for minors
- Adoption by same sex couples should be legal

- Right to self-determination against territorial integrity on example of Scotland
- Telecom providers should submit their records if client is suspected of terrorism
- European countries should admit refugees according to quota

## 9. Class

### a) Debate

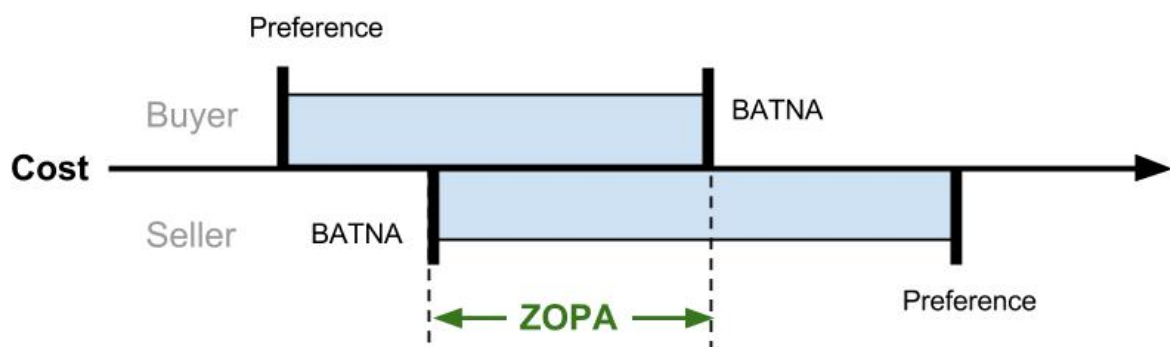
Space for volunteer students to debate each other for extra points

### b) Negotiation UTS Tutorial

Students are shown a video twice, they take notes, which are recorded on blackboard and discussed

VIDEO: <https://www.youtube.com/watch?v=8swLQKH8J6E>

- the key to negotiation – Preparation
  - o see the problem from clients perspective
    - legal issues
    - not legal issues
- another key – Open mind
- Plan – what your client wants/ what the other side wants
  - o have OPTIONS prepared
- come with agenda – set ground rules at the start
  - o interest based negotiation – make the prize bigger as possible not to divide the rest
- BATNA – best alternative to negotiated agreement = most advantageous alternative
- WATNA – worst alternative to negotiated agreement
  - o = how will you handle the case if you need to walk out of there without agreement
- to AVOID
  - o getting into argument – do not argue the merits
  - o mistakes – to focus only on one position
  - o belligerent party – acknowledge the right to feel that way
    - bring them back to the case
- BENEFIT of negotiation = control over dispute
  - o parties determine the result = SATISFACTION



### c) VIDEOS

Students are shown various videos, clips from movies and series that demonstrate negotiation and negotiation skills.

- I. negotiation went wrong – Intolerable Cruelty - <https://www.youtube.com/watch?v=6PpQk63ilWw>
- II. negotiation went right – Picard style - <https://www.youtube.com/watch?v=fpPMLK-xX-A>
- III. negotiation with mediation – Negotiation Assignment - [https://www.youtube.com/watch?v=LJahwN\\_dKb4](https://www.youtube.com/watch?v=LJahwN_dKb4)
- IV. no negotiation – Fifth element - <https://www.youtube.com/watch?v=3oKwg6W05MU>
- V. negotiation as skill in trade – Wolf of Wall Street - <https://www.youtube.com/watch?v=4TK1BX9H3kl>
- VI. negotiation in crisis – Friends - <https://www.youtube.com/watch?v=NuBvJynfaWc>
- VII. negotiation in law – A Civil Action - [https://www.youtube.com/watch?v=XEGy\\_asxL2U](https://www.youtube.com/watch?v=XEGy_asxL2U)
- VIII. negotiating with terrorists – Tropic Thunder - <https://www.youtube.com/watch?v=dROwEc4VyJA>

d) Negotiation analysis video

Students are shown couple of video where negotiation is not only shown, but also analyzed afterwards, so the students can see the BATNA, WATNA and ZOPA in these situations. Students can choose from variety of videos:

- <https://www.youtube.com/watch?v=BAj2j26kuzo>
- Jobs - <https://www.youtube.com/watch?v=H3rdz1n7SFk>
- Up in the Air - <https://www.youtube.com/watch?v=qyL7TG6SzDU>
- Nightcrawler - <https://www.youtube.com/watch?v=qyL7TG6SzDU>
- Erin Brockovich - <https://www.youtube.com/watch?v=BbWcaxrVcxY>
- Pirates of Caribbean - <https://www.youtube.com/watch?v=xjQ5OomkVpg>
- Game of Thrones - <https://www.youtube.com/watch?v=1mZlrMr6Is4>
- Django Unchained - <https://www.youtube.com/watch?v=QrmCT5dqP7I>
- etc.

e) Reflection on negotiation

Final video – 30 rock - <https://www.youtube.com/watch?v=a7-eoiY4bOo>

## 10. Class

Writing of legal documents class focuses on various documents we use in legal correspondence, how we write and draft and what are the essential features of selected documents.

### a) Client centred counselling

The students are reminded of the rules of CCC client centred counselling, that the legal advice they provide, the negotiation they conduct, the documents they draft are tailored upon the clients needs.

1. Rise of clients legal problem
2. Analysis of the situation
3. Identification of the situation
4. Analysis of the problem = gathering information
5. Definition of the problem
6. Analysis of the solution – solution chosen by the client
7. Analysis of the implementation – risks, causes, finances
8. Implementation of the solution = WRITING OF LEGAL DOCUMENT

### b) Legal documents

Students discuss what kinds of documents are used in connection with client and his case:

- without legal effect – communication
- with legal effect
- with set content/form/structure – court decision
- without form and structure
- written by legal practitioner
- written by laymant
- purpose = materialization of clients wish

### c) Process of drafting

Students should put together three steps strategy – PLAN – WRITE – REVISE

- 3 phases
  - o preparatory – what do I want to tell
  - o main – writing itself
  - o final – revision, control
- Preparatory phase
  - o what am I writing – plea, petition, contract, communication
  - o do I have all the information I need
  - o do I know all the circumstances of the case
  - o do I know the clients goal
  - o do I know the limitations
  - o do I have the evidence
- Main phase
  - o the three „C“s – clear, concise, correct – the students are given the handout, in part three, to try to figure out the rest...
  - o ...

- thought, prepared, precise and clear, understandable, brief and concise, simply written
- reflects the professional approach, logical, grammatically correct, synopic
- Final phase
  - revision
  - students should share the ways, how to revise the text

d) 5 most common mistakes

By now, the students should show signs of disapproval. They do not usually write in premeditated three steps. Have discussion on what they do when they write. Summarize what they say into 5 most common mistakes:

In Preparatory phase

1. to write a good legal text I need to be an expert in the field
2. before I start to write I need to have everything read
3. before I start to write I need to know exactly what I will argue
4. at the beginning of every litteral work there is a brilliant idea
5. I cannot do this

In Main phase

1. who do I write for
2. the more complicated writing, the more scientific work
3. simple sentences are just too easy
4. examples, examples, examples
5. I need to refer to everything I have read

In Final phase

1. I think I am done
2. today I will finish, tomorrow I will submit
3. commentaries
4. my geniality knows no borders
5. I think I am done

e) Essential elements of selected legal documents

Students are asked, what legal documents they see possible in their respective cases. These documets should be written on the blackboard and analyzes one by one. For example:

- I. Petition to court
  - a. identification – court, parties to the dispute, subject matter (divorce), annexes and attachements (evidence)
  - b. circumstances – ot the case – statements and claims + always evidence
  - c. how court shall decide
  - d. costs

II. Contract

- a. name of the contract – established under which provision
- b. identification – parties, subject of the contract, purpose of the contract, consideration
- c. rights and duties of the parties, final provisions
- d. place, date, signatures

III. Notice

- a. identification
- b. obligation
- c. time period
- d. consequences



## 11. Class

Counselling is the last class before the last assessment assignment. The students should get information about what is counselling and how does it differ from interviewing.

### a) Counselling

- what is it = presentation of the outcome to the client
- when does it happen = established relationship with the client
  - o part of communication with the client
  - o not first communication
  - o can bring possible challenges

#### Goal of counselling

- present solution (lawyers point of view)
- make decision about the case (clients point of view)....primary goals
- if anything changed in the case
  - o adjust the solution (L)
  - o implement into reality (C)....secondary goals

#### Principles of counselling

- client centred counselling – the client knows best
  - o client knows how much money and time he wants to spend
  - o if client chooses the outcome of the case, it motivates him to cooperate with his decision
- understandable language – legal advice is for client not the lawyer
- combination of written and spoken advice – better understanding for the client

#### Challenges of counselling

- creating options for the client
- clarity
- professional affection – balance empathy and detachment

### b) Structure of the legal advice

#### Oral

- introduction – readjust the icebreaker – does not make sense to ask again whether they found the offices OK
- new development in the case – new information
- recapitulation
  - o story
  - o facts
- what is your legal assessment
- what are the options in detail
- whether client knows what option he wants to pursue

## Written

- prepare legal advice or at least a handout for the client
  - o the lawyer does not longer take notes, he comes in prepared
- structure
  - o facts
    - in facts you state only the important things
  - o legal analysis
    - legal assessment of the situation
    - identification of legal regulations
    - applicable law
  - o possible solution
  - o summary
- keep IRAC format

## Possible solutions

- for possibilities make SWOT analysis for the client
- students are given handout with the SWOT table, part III

# SWOT ANALYSIS



## c) Indecisive clients

- it is often the case, that the client seems unable to reach a decision, there are few technics to offer:
  - o offer to meet again

- go through the proposed solution again
- if client asks you to choose for him
  - last resort option, you have another point of view and legal point of view
  - deciding for the client may shift the liability

d) Client makes the decision

- client needs to know what will happen
  - implementation – plan for both client and the lawyer
  - what are going to be the next steps
  - what is the client supposed to do next
  - when/ whether there is a next meeting
  - ...

e) Next class

Prepare students for the next class – assessed counselling

## 12. Class

Counselling class is an assessment class that is conducted similar way as the interviewing assessment class. Ideally, the same students, who acted as clients for interviewing are brought in to receive the legal advice. The students should bring a handout for the counselling, where they have numerous options prepared. The client is free to choose an option he likes during the counselling, for the legal advice the students are free to choose which option they will prepare in detail

After the counselling the students fill in the assessment table giving 0-100 points, that again translate into percent, representing 100 % = 30 points.

The assessed skills for counselling are:

- Putting client at ease (icebreaker, small talk)
- Eye contact
- Proper English
- Making sure client understands and you all are on same page
- Ask if anything has changed
- Provide summary of facts
- Provide explanation of conducted legal analysis
- Outline possible options
- Describe options beginning with general description, than detailed
- Describe pros and cons of options
- Fit what client wants to outlined options
- Allow client to ask questions
- Prepared handout
- Use of handout while explaining
- Explanation of prepared document
- Explanation of process of implementation of chosen option
- Letting client to choose
- Nonverbal communication
- Cooperation in pair
- Concluding and saying goodbye to client

The Table of Assessment for counselling is in the Part III.

## 13. Class

The last class concerns Legal English and how to improve writing in the Legal English. Also the final Legal Advice is explained.

- a) Writing in Readable Style  
4Cs of Style – Clarity, Cohesion, Coherence and Concision  
Students are given Handouts, in Part III, where they can write in, on the computer the powerpoint presentation full of activities is shown. All the activities aim to make the style of written English more clear, cohes, coherent and concise.

### Activity 1

- Read the text below. What adjectives would you use to describe the writer's language and style? How much do you understand? Is it clear? Is it easy to follow? Does it sound English to you? Why (not)?
  - The fundamental concept of this philosophy of organism is based on a speculative generalization of nation of power. The atomistic view of the merely mechanical aggregation of parts is replaced by Whitehead with the conception of the universal relatedness and reciprocal prehension of all real occasions factors that are expressed in the concrete elements of „actual entity“, „prehension“, and „nexus“.

### Activity 2

- Rewrite these sentences so that the actions are expressed in verbs and not nominalizations
  - The successful implementation of a new curriculum depends on the cooperation of faculty with students in setting achievable goals within a reasonable time.
    - To implement.....
  - Precision in plotting the location of building foundations enhances the possibility of its accurate reconstruction
    - When we precisely plot.....
  - Any deviation by the members from established procedures may cause termination of the membership by the Board
    - If members.....
  - The research effort is concentrated on getting knowledge about people's lives at those times and their coping with new living conditions after the velvet revolution.
    - The research focuses/ we .....
  - Due to the goal of the project, the targets of my analysis are mostly steel frames, vacuum path components or optomechanical parts.
    - Due to the goal of the project.....

### Activity 3

- Read the following passage. Note there is a missing sentence in the middle of the passage.

Some astonishing questions about the nature of the universe have been raised by scientists exploring the nature of black hole in space. ( ). So much matter compressed into a little volume changes the fabric of space around it in puzzling ways.

- Read two suggestions below and decide which one links better to the previous and to the next sentence. Explain why.

A) The collapse of a dead star into a point perhaps no larger than a marble creates a black hole

B) A black hole is created by the collapse of a dead star into a point perhaps no larger than a marble

#### Activity 4

- Read the following paragraph. Is it cohesive? Which organization pattern has been used?
- California supports rich fisheries off its coast. The high productivity of fish is supported by high rates of algal production. Algal growth in the ocean is typically limited by the nitrogen supply, but this is high off California because N-rich deep water wells up to the surface along the coast. This upwelling is driven by the winds that push that south-flowing surface water away from the shore, allowing deep water rise to surface. These off-shore winds are driven by the regional climate patterns, including El Niño, that are being intensified by the greenhouse effect, which results from increased CO<sub>2</sub> in the atmosphere. Increased CO<sub>2</sub> in the atmosphere also increases the amount of CO<sub>2</sub> dissolved in the ocean, which reacts with water to form carbonic acid (H<sub>2</sub>CO<sub>3</sub>), reducing the ocean's pH. This reduced pH makes it hard for shell-forming organisms to make calcium species such as abalone, oysters, and even sea urchins. Thus, increasing CO<sub>2</sub> is going to have many important effects on marine ecosystem.

#### Activity 5

- Because the naming power of words was distributed by Locke, he repeated himself often. Seventeenth century theories of language, especially Wilkins's scheme for a universal language involving the creation of countless symbols for countless meaning, had centered on this naming power. A new era in the study of language that focused on the ambiguous relationship between sense and reference begins with Locke's distrust.
- Locke often repeated himself because he distrusted the naming power of words. The naming power had been central to seventeenth century theories of language, especially Wilkins's scheme for a universal language involving the creation of countless symbols for countless meaning. Locke's distrust begins a new era in the study of language, one that focused on the ambiguous relationship sense and reference.

#### Activity 6

- Look for bulky phrases, redundant phrases and excessive detail. Simplify.
1. It is interesting to note that the new organism is green in color, round in shape, 5 x 10 mm in size, and active with respect to motility.

2. Diaries written by Holocaust survivors are the most intimate type of confession of Holocaust witnesses.
3. In his time Michael de Praga (died in 1401) was rather an important member of the Carthusian order and was both respected for his literature work and his organising talent.

b) Legal Advice

Legal Advice is a written document for client and a final assignment for assessment. The Legal Advice should be the peak of all the activities conducted in the 12 weeks of Legal Skills Course classes. The number of points students can be awarded is 30, 20 points for the legal advice, as in analysis of the case, and 10 points for the legal document they should prepare for the client.

Legal Advice – 30 points

- 20 points – analysis
  - o IRAC style
  - o proper English
- 10 points – legal document
  - o legal English
  - o aimed to court or to the opposing party

## Part III.

### Handout – 4. class

## OUTLINE INTERVIEW PLAN

1. Welcome the client. Greet, seat and introduce yourself. Make sure the client is comfortable.
2. Create an effective working environment. Make sure there will be minimal interruptions: switch off telephones, and tell others not to disturb you during the interview.
3. Encourage the client to put forward his or her perceptions.
4. Listen, without interrupting, if at all possible.
5. Remember that listening also involves noting non-verbal communications.
6. Reflect on what you are being told, through paraphrasing and questioning.
7. Question more deeply to establish salient facts, clarify ambiguities and check relevance.
8. Summarise your findings.
9. Allow the client the chance to ask questions, clear doubts or express anxieties.
10. Outline the options, both legal and non-legal.
11. Assist the client in making an informed choice of action.
12. Take instructions.
13. Explain any follow up to be undertaken by the lawyer, including costs involved.
14. Confirm that the client agrees to the course of action.
15. Check if there is any other business.
16. Provide an idea of timescales.
17. Conclude.
18. Say goodbye and show the client out.

Download this [Outline interview plan](#).

## TOP TIPS



### **Top 10 tips for legal interviewing success:**

1. Legal interviewing is not just about obtaining information. It helps establish an effective relationship with the client.
2. Plan your interview, but leave enough flexibility and time for the client to be treated as an individual with a unique set of issues.
3. Show empathy, rather than sympathy, with the client's situation.
4. Pay attention to your behaviour when the client is speaking. Stay attentive and interested.
5. 'Listen' to the non-verbal signals the client sends out as well as the words they say.
6. Clarify what the client tells you by paraphrasing or questioning.
7. Use silence to help you reflect on what has been said.
8. If necessary, take notes to help you remember key information.
9. Offer potential solutions to the client, but let them decide which course of action to pursue.
10. Listen to the client's worries. Be clear about fees and timescales.



## Assessment Form for Interviewing – 5. class

### Table of Assessment Legal Skills Course

**Case:**

**Names:**        -  
                      -

Putting client at ease (icebreaker, small talk)	
Discussion of contact details	
Discussion of costs	
Previous legal advices on the case	
Eye contact	
Show respect and empathy toward client	
Discussion of Confidentiality	
Permission to take notes	
Plain English	
Establishing what client wants	
Making sure client understands and you all are on same page	
Ask exhaustive questions	
Ask closed questions	
Nonverbal communication	
Cooperation in pair	
Summarization in chronological order	
Outlining follow-up action and options	
Getting all the information	
Paraphrasing	
Concluding and saying goodbye to client	

TOTAL

## Case Studies Information – 6. class

### MEDICAL MALPRACTICE CASE

Mrs. Newman, the Claimant in this case, lives in a country of Dolaronia which is a civil law country and a member of the EU. She is a well-known musician selling her records across Dolaronia and countries bordering with Dolaronia. Since the beginning of February of 2015 until October of that year, she suffered from a strong migraine and she decided to look for medical help. Dr. Crowe, her clinician, examined her and decided to use the drug called Phenergan which is used as an antihistamine and it has a strong sedative effect. Basically, there are two ways of how to administer Phenergan. The first one is intramuscular (IM) which generally reduces risks of muscle and tissue damage. The second way is intravenous (IV-push) whereby a drug is injected directly into a patient's vein and in comparison to other ways of administration, it is the most effective one. After a clinician injected Claimant with Phenergan by the IV-push method, the drug entered Claimant's artery. As a result, she developed gangrene resulting from inadequate blood supply, which caused necrosis in her hand tissue. Her hand turned dry, looking shrunken with dark reddish black color and resembling mummified flesh. Sadly, doctors eventually had to amputate her forearm to prevent further infection and sepsis. Labeling of the drug said nothing about such a development being possible but there have been a couple of scholarly articles published, where their authors warned expert public that in case of improper IV-push administration of Phenergan leading to its entering patients' artery, gangrene might be developed with all its consequences. Dr. Crowe, who administered Phenergan to Mrs. Newman, was not aware of these articles.

Phenergan is manufactured by D-Pharm LLP, the Respondent in this case, and its use had been authorized by the Bureau of Drug Administration (BDA) including the wording of labeling. Claimant brought a damages action, alleging that Respondent had failed to provide an adequate warning about the significant risks of administering Phenergan by the IV-push method. In her opinion, the labeling should have contained warning on gangrene possibly appearing if Phenergan enters artery and it should have strongly recommended that Phenergan be administered using IM method. The expert opinion provided by Claimant determined that her injury would not have occurred if Phenergan's label included an adequate warning. After this lawsuit had been filed, Respondent immediately reacted and made a new label for Phenergan, including a black box warning for injection, describing the contraindication of subcutaneous administration. Newly, the labeling recommends the IM method as a preferred route of administration. Yet, the new labeling is still waiting for BDA's authorization.

## BREACH OF SERVICE CONTRACT CASE

Franklin Hospital, a small regional hospital, entered into a three year contract with PT Service, a company that provides physical therapy. Under the contract, whenever a patient in the hospital needs physical therapy, the hospital contacts PT Service who then sends over a licensed physical therapist. The hospital agreed to pay PT Service an annual retainer of \$10,000 to cover the costs of maintaining a list of readily available physical therapists. The hospital also agreed to pay an hourly rate of \$100 for actual services rendered. Out of this \$100/hr., PT Service pays \$75/ hr. to the therapist. During the first year of the service contract, Franklin Hospital received a number of complaints from patients about the quality of the physical therapy. Concerned about potential liability and the hospital's reputation, the hospital terminated the contract. The contract specifically gave the hospital the right to terminate for cause but the contract failed to define cause. PT Service claims that its quality of service was excellent, meeting the highest professional standards. Upset that losing this contract may hurt its reputation in both the physician and hospital administration communities (important sources of referrals), as well as remove a steady stream of business, PT Service sued the hospital for wrongfully terminating the service contract. PT Service is seeking \$150,000 in damages, which consist of \$20,000 for the annual retainer over two years, \$60,000 for unpaid services, and \$70,000 for the anticipated profits over the remaining two years of the contract. The attorneys for the hospital and service company decided to meet to try to settle the case. Try to settle the case.

## DIVORCE CASE

Facts: You are married for 10 years. You have two children with your husband/wife, age 8 and 6. Your husband/wife works as a manager in a foreign industrial company, which means he works 9 to 7 on workdays, and usually some hours during the weekends. You take care of the household and children. His/her salary is approximately 10,000 EUR per month, so you have a nice house, two cars, and savings (but you do not know, how much). S/He only had vacation three years ago for two weeks. Once or twice a year s/he travels abroad for a management training for 3 or 4 weeks. You were pretty sure s/he had numerous affairs, but do not have any 100% evidence for that.

This situation was the reason for you to start an affair as well, with your massage therapist, which already lasts 16 months. Yesterday, your husband/wife caught you in the act, when s/he unexpectedly came home at 1 PM. The situation was very tense, you were shouting at each other and your paramour hit your husband/wife. Then your husband/wife assaulted you and your paramour with a baseball bat,

so you both suffered semi-serious injuries (concussion, bruises, few stitches, broken nose). Your husband/wife promised to contact his/her lawyer and arrange a quick divorce, and threatened that you will never see your kids again. Then he/she took your car and left your house and you have not seen him/her since, s/he does not answer phones calls and nobody knows, where s/he could be. You have not contacted the police yet.

You were very scared by what you husband/wife said, so you went to pick up the children from school immediately, but the teacher said that they were already picked up by your husband/wife. You are in shock, you are scared, emotionally distressed and you blame yourself for all that happened. After you came home, you opened a phone book and arranged a meeting with the first lawyer you found.

You are not sure, whether you want the divorce, you were quite satisfied in the marriage. You just want your husband/wife to spend more time with you and children, to revive love between the two of you. You want to put everything back in order.

However yesterday you have learnt, that your husband has indeed served you with petition for divorce.

## CONSUMER CASE

A telemarketing company called Mary at 6:30 pm one evening. The telemarketer offered discount holiday vouchers to use at a Sunshine Coast resort during the Christmas holidays. The telemarketer told Mary that the vouchers would cost \$200, which was a tremendous saving for a five star resort stay that would normally cost \$500. The telemarketer said the vouchers could be used anytime over the Christmas holiday period. Mary agreed to purchase the vouchers. The telemarketer took Mary's personal details and requested payment by credit card. The telemarketer promised the vouchers would arrive in the mail in a couple of days.

The telemarketer gave his company's business details and explained that all Mary had to do to book her holiday was to call the resort directly and give them the code written on the vouchers.

The next day, while planning dates for her holiday, Mary realised she would not be able to use the vouchers and decided to cancel her agreement.

Mary rang the telemarketing company to tell them that she no longer wanted the vouchers. The company said it was too late to cancel as the vouchers had already been posted. Mary asked them cancel the agreement and refund her credit card. The company refused.

BUSSINESS CONTRACT CASE

**Excerpt of Contract**

Franklin Hospital

Long street 21

Šternberk

(hereinafter referred to as Hospital)

and

PT Service Ltd

Water street 56

Olomouc

(hereinafter referred to as PT Service)

have concluded the following service agreement:

...

5. PT Service will be providing a standard quality physical therapy to the Hospital's patients, through licensed physical therapists employed by PT Services.
6. PT Services will provide the physical therapy services on notice of the Hospital. The physical therapy must be provided within 7 days after the notice.

...

8. The Hospital will pay to the PT Service an annual retainer of 10.000 EUR to cover the fixed costs. The Hospital will also pay PT Services 100 EUR per hour of physical therapy provided by employees of PT Services.

...

14. The Hospital can review the quality of the services provided by PT Services. In case of finding that the services are not of appropriate quality, the Hospital must notify PT Services.
15. Breach of the contract by any of the parties can be a cause for the termination of the contract, with a 2-months notice.
16. This contract is negotiated for the term of three years, starting with 1. 1. 2015. The term is renewable, provided that both parties agree on this in writing.

In Olomouc, on December 15<sup>th</sup> 2014

**Termination of the contract**

In Olomouc, December 21<sup>st</sup> 2015

From: Franklin Hospital

Long street 21

Šternberk

To: PT Service Ltd

Water street 56

Olomouc

Dear Business partner,

we would hereby like to terminate our contract of 15<sup>th</sup> December 2014, on provision of physical therapy services. We will not require your services starting by tomorrow.

With kind regards,

Frank Franklin

director of the Franklin Hospital

**Bill of the payment**

First National Bank

Wireless transfer record

Originating Account: 12345678

Account Holder: Franklin Hospital, Long street 21, Šternberk

Destination Account: First National Bank, 87654321

Account Holder: PT Services

Transferred amount: 50.000 EUR

Reason of payment: PT Service Contract Annual Retainer + Advance Payment

### **Confirmation that clients wants to sue**

The client (i.e. PT Services) wants the contract to be reinstated – either through negotiation or by a court order.

### **How much money client wants**

In case that contract will not be reinstated, PT Service is seeking \$150,000 in damages, which consist of \$20,000 for the annual retainer over two years, \$60,000 for unpaid services, and \$70,000 for the anticipated profits over the remaining two years of the contract.

## **MEDICAL MALPRACTICE**

### **Address of manufacturer of the drug**

D-Pharm LLP

Business Office: Pharma Lane 1/1234, Newcastle-upon-Tyne, United Kingdom

Tax Registration number: UK12345678

Dolaronia Branch:

D-Pharm Dolaronia Ltd

Business Office: Oak Street 15/4321, Dolarville, Dolaronia

Tax Reg. Number: DO87654321

### **Records from the doctor - summary of damages**

Dolarville, January 15th 2016

Medical report by dr. Edward Cooke

The patient (Mrs. Newman) presented with gangrene in her left hand. First, only thumb and first two fingers were affected (see attached picture below). However, the conservative treatment was unsuccessful, the gangrene spread to other fingers and the palm, so the only option to prevent further progression of gangrene and sepsis was to amputate patient's whole left hand. The amputation was carried out at her wrist joint, preserving the whole radius and ulna, but removing the whole hand including wrist bones and soft tissues. Except for amputation, there is no other permanent damage to patient's health.

The patient suffered severe physical and psychological trauma due to the gangrene and amputation. She was in deep pain for two days. The total costs of the treatment were 152.834,55 EUR. The damages on the patient's health were calculated according to relevant legislation at 75.000 EUR.

## **Drug packaging**

### **Uses of Phenergan (Promethazine hydrochloride)**

Promethazine injection is used to relieve or prevent some types of allergy or allergic reactions. It works by preventing the effects of a substance called histamine, which is produced by the body. Histamine can cause itching, sneezing, runny nose, and watery eyes. It can sometimes close up the bronchial tubes (air passages of the lungs) and make breathing difficult.

Promethazine is also used to prevent and control motion sickness, nausea, vomiting, and dizziness. In addition, it may be used to help people go to sleep and control their pain or anxiety before or after surgery or other procedures.

Promethazine may also be used for other conditions as determined by your doctor.

This medicine is only available with your doctor's prescription.

### **Before Using Phenergan**

In deciding to use a medicine, the risks of taking the medicine must be weighed against the good it will do. This is a decision you and your doctor will make. For this medicine, the following should be considered:

#### **Allergies**

Tell your doctor if you have ever had any unusual or allergic reaction to this medicine or any other medicines. Also tell your health care professional if you have any other types of allergies, such as to foods, dyes, preservatives, or animals. For non-prescription products, read the label or package ingredients carefully.

#### **Pediatric**

Appropriate studies have not been performed on the relationship of age to the effects of promethazine injection in the pediatric population. Use of promethazine injection is not recommended in children younger than 2 years of age because of the increased risk of respiratory depression. Caution should be used when this medicine is given to children 2 years of age and older.

#### **Geriatric**

Appropriate studies performed to date have not demonstrated geriatric-specific problems that would limit the usefulness of promethazine injection in the elderly. However, elderly patients may be more sensitive to the side effects of this medicine than in younger adults, and are more likely to have age-related heart or blood vessel disease or prostate problems, which may require an adjustment in the dose for patients receiving promethazine injection.

### **Interactions with Medicines**

Although certain medicines should not be used together at all, in other cases two different medicines may be used together even if an interaction might occur. In these cases, your doctor may want to change the dose, or other precautions may be necessary. When you are receiving this medicine, it is especially important that your healthcare professional know if you are taking any of the medicines listed below. The following interactions have been selected on the basis of their potential significance and are not necessarily all-inclusive.



Using this medicine with any of the following medicines is not recommended. Your doctor may decide not to treat you with this medication or change some of the other medicines you take.

Amifampridine, Bepridil, Cisapride, Dronedarone, Mesoridazine, Metoclopramide, Pimozide, Piperazine, Sodium Oxybate, Sparfloxacin, Terfenadine, Thioridazine, Ziprasidone.

### **Interactions with Food/Tobacco/Alcohol**

Certain medicines should not be used at or around the time of eating food or eating certain types of food since interactions may occur. Using alcohol or tobacco with certain medicines may also cause interactions to occur. Discuss with your healthcare professional the use of your medicine with food, alcohol, or tobacco.

### **Other Medical Problems**

The presence of other medical problems may affect the use of this medicine. Make sure you tell your doctor if you have any other medical problems, especially:

Brain disease or injury or, Breathing or lung problems (e.g., asthma, COPD), or Comatose state (unconscious) or Reye's syndrome or Sleep apnea, history of—Should not be used in patients with these conditions.

Bladder-neck blockage or Bone marrow disease (e.g., agranulocytosis, leukopenia) or Enlarged prostate or Glaucoma, narrow-angle or Heart or blood vessel disease or Intestinal blockage or Liver disease (including jaundice) or Neuroleptic malignant syndrome, history of or Respiratory depression (very slow breathing) or Stomach ulcer or Urinary tract blockage or difficult urination—Use with caution. May make these conditions worse.

Seizure disorders—This medicine may increase the chance of seizures especially in patients who are also using narcotic or anesthetic medicines.

### **Proper Use of promethazine**

This section provides information on the proper use of a number of products that contain promethazine. It may not be specific to Phenergan. Please read with care.

A nurse or other trained health professional will give you this medicine. This medicine is given as a shot into a muscle or into a vein.

Your doctor will give you a few doses of this medicine until your condition improves, and then switch you to an oral medicine that works the same way. If you have any concerns about this, talk to your doctor.

### **Precautions While Using Phenergan**

It is very important that your doctor check the progress of you or your child at regular visits to make sure this medicine is working properly. Blood tests may be needed to check for unwanted effects.

This medicine contains sodium metabisulfite. Make sure your doctor knows if you or your child have had an allergic reaction to sulfite in the past.

Check with your doctor right away if you or your child have burning, persistent or worsening pain at the injection site; or any involuntary muscle movements after receiving this medicine.

This medicine may affect blood sugar levels. If you or your child notice a change in the results of your blood or urine sugar tests or if you have any questions, check with your doctor.

This medicine will add to the effects of alcohol and other CNS depressants (medicines that make you drowsy or less alert). Some examples of CNS depressants are antihistamines or medicine for hay fever, other allergies, or colds; sedatives, tranquilizers, antidepressants, or sleeping medicine; prescription pain medicine or narcotics; medicine for seizures or barbiturates; muscle relaxants; or anesthetics, including some dental anesthetics. Check with your medical doctor or dentist before taking any of the above while you or your child are taking this medicine.

Check with your doctor right away if you or your child have pale or blue lips, fingernails, or skin; difficult or troubled breathing; irregular, fast, slow, or shallow breathing; or shortness of breath. These could be signs of a condition called respiratory depression.

This medicine may cause some people to become dizzy, lightheaded, drowsy, or less alert than they are normally. Even if taken at bedtime, it may cause some people to feel drowsy or less alert on arising. Make sure you know how you react to this medicine before you drive, use machines, or do anything else that could be dangerous if you are not alert.

Promethazine can temporarily lower the number of white blood cells in your blood, increasing the chance of getting an infection. If you can, avoid people with infections. Check with your doctor immediately if you or your child think you are getting an infection or if you get a fever or chills, cough or hoarseness, lower back or side pain, or painful or difficult urination.

Check with your doctor right away if you or your child are having convulsions, difficulty in breathing, fast heartbeat, high fever, high or low blood pressure, increased sweating, loss of bladder control, severe muscle stiffness, unusually pale skin, or tiredness. These could be symptoms of a serious condition called neuroleptic malignant syndrome (NMS).

Check with your doctor right away if you or your child have pain or tenderness in the upper stomach; pale stools; dark urine; loss of appetite; nausea; unusual tiredness or weakness; or yellow eyes or skin. These could be symptoms of a liver problem.

Before you have any medical tests, tell the medical doctor in charge that you or your child are receiving this medicine. The results of some tests may be affected by this medicine.

This medicine may cause dryness of the mouth. For temporary relief, use sugarless candy or gum, melt bits of ice in your mouth, or use a saliva substitute. However, if your mouth continues to feel dry for more than 2 weeks, check with your medical doctor or dentist. Continuing dryness of the mouth may increase the chance of dental disease, including tooth decay, gum disease, and fungus infections.

This medicine may make your skin more sensitive to sunlight. Use a sunscreen when you are outdoors. Avoid sunlamps and tanning beds.

Do not take other medicines unless they have been discussed with your doctor. This includes prescription or nonprescription (over-the-counter [OTC]) medicines and herbal or vitamin supplements.

### **Phenergan Side Effects**

Along with its needed effects, a medicine may cause some unwanted effects. Although not all of these side effects may occur, if they do occur they may need medical attention.

Check with your doctor or nurse immediately if any of the following side effects occur:

#### **Rare**

Convulsions (seizures), difficult or unusually fast breathing, fast heartbeat or irregular pulse, high fever, high or low blood pressure, increased sweating, loss of bladder control, severe muscle stiffness, unusually pale skin, unusual tiredness or weakness.

**Incidence not known**

Abdominal or stomach pain, black, tarry stools, blood in the urine, bloody nose, blurred vision, chest pain or discomfort, chills, clay-colored stools, cough or hoarseness, dark urine, decreased awareness or responsiveness, difficulty with speaking, dizziness, double vision, drooling, fast, pounding, or irregular heartbeat or pulse, fever with or without chills, fixed position of the eye, headache, heavier menstrual periods, increases and decreases in blood pressure, itching, large, hive-like swelling on the face, eyelids, lips, tongue, throat, hands, legs, feet, or sex organs, lightheadedness, dizziness, or fainting, loss of appetite, loss of balance control, lower back or side pain, mimicry of speech or movements, muscle trembling, jerking, or stiffness, mutism, nausea, negativism, noisy breathing, painful or difficult urination, peculiar postures or movements, mannerisms, or grimacing, pinpoint red spots on the skin, restlessness, seeing double, seeing, hearing, or feeling things that are not there, seizures, severe sleepiness, shortness of breath, shuffling walk, skin rash, slow or irregular heartbeat, sore throat, sores, ulcers, or white spots on the lips or in the mouth, stiffness of the limbs, swollen glands, tenderness, pain, swelling, warmth, skin discoloration, and prominent superficial veins over the affected area, tightness in the chest, tremors, twisting movements of the body, uncontrolled movements, especially of the face, neck, and back, unpleasant breath odor, unusual bleeding or bruising, vomiting of blood, wheezing, yellow eyes or skin.

**Get emergency help immediately if any of the following symptoms of overdose occur:**

**Symptom of overdose**

Abnormal movements, confusion as to time, place, or person, dizziness, faintness, or lightheadedness when getting up suddenly from a lying or sitting position, feeling of warmth, holding false beliefs that cannot be changed by fact, hyperexcitability, irregular, fast or slow, or shallow breathing, nightmares, pale or blue lips, fingernails, or skin, pupils of the eyes, large and not moving or responding to light, redness of the face, neck, arms, and occasionally, upper chest, sweating, troubled breathing, unusual excitement, nervousness, or restlessness.

Some side effects may occur that usually do not need medical attention. These side effects may go away during treatment as your body adjusts to the medicine. Also, your health care professional may be able to tell you about ways to prevent or reduce some of these side effects. Check with your health care professional if any of the following side effects continue or are bothersome or if you have any questions about them:

**Incidence not known**

Blistering, crusting, irritation, or reddening of the skin, continuing ringing or buzzing or other unexplained noise in the ears, discoloration of the skin, drowsiness, dry mouth, excitation, false or unusual sense of well-being, hearing loss, hives or welts, increased sensitivity of the skin to sunlight, lack of coordination, loss of strength or energy, muscle pain or weakness, nasal stuffiness, nervousness, severe sunburn, sleeplessness, trouble sleeping, unable to sleep, vomiting.

Other side effects not listed may also occur in some patients. If you notice any other effects, check with your healthcare professional.

### **Insurance contract**

Dr. Crowe works in the Dolarville General Hospital as a full time physician. His practice is covered by the insurance policy of the Dolarville General Hospital. The policy is provided by the First National Insurance Company, covers all activities of the hospital and its employees linked to providing health care. The insurance policy has no financial limit.

### **Document that approved the drug**

Bureau of Drug Administration

High street 25/123

Capital City

Dolaronia

### **Drug Approval Decision No. 1991/15/AB22**

**Drug Name: Phenergan**

**Approval Holder:**

D-Pharm LLP

Business Office: Pharma Lane 1/1234, Newcastle-upon-Tyne, United Kingdom

Tax Registration number: UK12345678

Dolaronia Branch:

D-Pharm Dolaronia Ltd

Business Office: Oak Street 15/4321, Dolarville, Dolaronia

Tax Reg. Number: DO87654321

Approval Number: **1991/15/AB22**

First Approved/Prolonged: 12.3.1991/18.4.2005

### **Photographs**



Figure 1. Woman Develops Gangrene after Receiving Phenergan IV. Image provided courtesy of ISMP.

## DIVORCE CASE

JUDr. Thomas Green  
Attorney at Law  
North Street 256/13  
Olomouc

3<sup>rd</sup> April 2016

Dear colleague,

I am representing Mrs. XXX the opposite party to the divorce and custody proceedings over your client and their underage children Sarah (6) and Daniel (8).

Due to the facts not disputed by the both parties my client sees no other option as the dissolution of the marriage, new custody and property arrangements.

To answer questions submitted to our office:

- Mrs. XXX together with both children resides at her parents' house, Long Street 1007/55, Přerov
- You are free to visit the children every Saturday at the above stated address from 2 pm to 5 pm, you are however not allowed to visit children outside of the house unless supervised by the Agent of Child Services.
- To the question of children, they both attend Primary school Jánskeho 12 Olomouc, Sarah is in the first grade, Daniel in third. Sarah attends ballet and painting classes, the tuition is 5000 Czech Crowns a year each. Daniel plays hockey and little league, each of his extracurricular activities is for 8000 Crowns a year. They eat lunch at school cafeteria, 8500 Crowns a year each. Their other expenses for transportation and other day to day expenses have been calculated to the amount of 4000 Crowns a month.
- My client is requesting 9000 Crowns in alimony for each child payable by the 10<sup>th</sup> of every month for the month following the month in which the payment was deposited to her account.
- My client is not opened for the separate custody arrangement; she desires to become sole caretaker with broad visiting rights towards your client. She is willing to offer your client every uneven weekend starting Friday 5 pm ending Sunday at 5pm, place of exchange of the children will be the new home of the mother and the children. As for the national holiday she is willing to negotiate.
- My client sees no other option that dissolution of the marriage, she is however opened for alternative dispute resolutions.
- In case of the property settlement she is willing to negotiate the property and the amount of alimony for her.
- The list of the joint property and the statement from the police follows.

With amicable regards

Dr. Thomas Green

+ 420 605 876 877  
Green(et)attorneygreen.cz

## List of joint property

1. money – bank accounts, cash
  - the spouses have one joint bank account and both of them own their separate bank account
  - balance on the joint bank account was to the 1<sup>st</sup> of April 2015 – 950 430 Crowns
2. house price
  - spouses own a family house of four bedrooms and 30 m<sup>2</sup> garden in suburbs of Olomouc
  - market price is 4 million Crowns
  - my client wishes to sell the house
3. cars
  - both spouses own their respective cars
  - Mrs. XXX own Mercedes C, 5 years old, market price 500 000 Crowns
  - Mr. XXX own BMW X1, 2 years old, market price 700 000 Crowns
  - My client wishes to keep her respective car and for your client to keep his
4. Summerhouse
  - The spouses own winter cabin (condo) at Jasna ski resort in Slovakia, estimated price 1 500 000 Crowns
  - My client wishes to sell the cabin
5. Stocks
  - Spouses have 2 000 000 Crowns invested in gold
  - My client has Coca Cola company stocks in current value 850 000 Crowns
  - Your client has McDonald stocks in current value of 1 000 000 Crowns
  - My client wishes to equally split the value of stocks
6. anything else worth mentioning
  - a. the spouses own collection of Alfons Mucha original paintings in value of 5 000 000 crowns
  - b. My client wishes to divide the paintings between spouses equally.
7. their incomes
  - a. his
    - CEO of IT Company
    - Approximately 15,000 EUR per month
  - b. hers
    - manager in a foreign industrial company
    - approximately 10,000 EUR per month
    - willing to quit the job to care for the minor children full time

8. their outcomes
  - my client has made an estimation of cost for housekeeping, insurance for the house, cars, paintings, financial services to their stocks to 75 000 Crowns a month
9. eventual financial support to the other one
  - since my client is willing to give up her job to care for children, she seeks alimony 7 000 EUR to cover the lost income and full responsibility of your client on part of the outcomes

## **POLICE REPORT**

Case No. 543/15

Date 12<sup>th</sup> March 2016

Reporting officer: Kapt. Jana Kolarova

Prepared by: civil. Anna Dragova

Incident: 911 call – disturbance, domestic violence

### **Detail of event:**

The police unit on patrol has responded to 911 call called in by neighbours residing in Za Skolou 10 Olomouc – Hejcin complaining of noise and disturbing sounds from the house next door, Za Skolou 12, residence registered to spouses XXX, resembling struggle, fight and potential domestic violence. Call was registered at 13:45, squad car arrived on scene at 14:00.

At time of arrival the patrol officers have arrived, they discovered both spouses home, husband with visible bruises he claimed to be a sport injury. He refused any medical attention. Since there was no more disturbances, the police have left the scene.

### **Actions taken:**

Questioning of suspects, no signs of danger or threat, no arrests

### **Summary:**

The police responded to 911 call, upon an arrival on scene, there were no more signs of noise, the husband was bruised, but claimed that the injury comes out of a game of competitive sport, refused medical attention.

### **Signature:**

Jana Kolarova

Anna Dragova

## CONSUMER PROTECTION CASE

### Information about the company

Sunshine Vacations, joint-stock company

Identification Number: 4687011

Address: Krymska 342/11, Praha 01011

Represented by: James Warren, CEO

### Record of the call

Call ID 38886444

From Number 0810 884 883 registered at Sunshine Vacations, Krymska 342/11, Praha

To the Number 608 543 097 registered on Mary XXX, residing at Mozartova 211/4, Olomouc

Day of call October 30<sup>th</sup> 2015

Call duration: 22 minutes 18 seconds

From 18:29:31 CET

To 18:51:49 CET

On call Peter Svoboda

### Confirmation of bank transfer

Account No 786 907 300

Owner Mary XXX

To the date 15th November 2015

Account of the First National Bank, joint-stock company

Hlavní 1066/13a

Praha 01015

### Confirmation of bank transfer

The First National Bank hereby confirms that the deposit of amount of 200 USD was made from the bank account No 786 907 300 to the account No 12-436 799 099/0660, message for the recipient "Sunshine Coast Resort" on November 1<sup>st</sup> 2015 at 14:16.

On behalf of the First National Bank

Amanda Rogers, CFO



## **Basic Tools and Concepts**

### **The Legal Problem Solving Process**

The basic problem solving process can be broken down into four major steps as outlined below. The many skills that students learn in the Legal Analysis and Communication courses supplement various parts of this problem solving process.

1. Identify the question: Determine what is the subject and why it is important
2. Gather Information
  - a. Cases, statutes and other legal authority (legal research)
  - b. Facts of the case
3. Connect the information
  - a. Define and articulate the specific legal issue
  - b. Determine and articulate the legal rule
  - c. Study how that rule has been applied to similar situations in the past
  - d. Apply the law to the specific facts and arrive at a conclusion
    - i. Use Analogy and Distinction
    - ii. Determine what the alternative arguments are and why they are not as strong.
4. Articulate conclusion including logical proof of and support for that conclusion
  - a. Move from general to specific
  - b. Articulate supporting reasons
  - c. For each reason list some further supporting grounds, evidence or data

Source: <http://lawschool.unm.edu/academics/lacp/tools-concepts/problem-solving-process.php>

## MEMORANDUM OF LAW

This memorandum is intended to cover three points: (1) that under Louisiana law Mrs. Smithers was within her rights to tape record her own telephone conversation with her husband without his knowledge or consent, and such tape is admissible in court; (2) that her husband's admissions of adultery on the tape make out a *prima facie* case of adultery; and, (3) that the husband, having squandered community funds on a junket to Europe with his "girlfriend," must now reimburse the community for the funds so wasted.

Turning to the first point:

### **1. UNDER LOUISIANA LAW, MRS. SMITHERS WAS WITHIN HER RIGHTS TO TAPE RECORD HER OWN TELEPHONE CONVERSATION WITH HER HUSBAND WITHOUT HIS KNOWLEDGE OR CONSENT, AND SUCH TAPE IS ADMISSIBLE IN COURT.**

A person in Louisiana may tape his or her own telephonic or face-to-face conversation with another without telling the other person, and such tape is admissible.

Directly in point is Louisiana Revised Statutes 15:1303 C(4), which provides: "It shall not be unlawful under this Chapter for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication . . . ."

A prior Louisiana statute prohibiting persons from recording conversations to which they were a party was stricken as unconstitutional in *Kirk v. State*, 526 So.2d 223 (La. 1988). Telephonic or face-to-face conversations recorded by one party to the conversation without the knowledge or consent of the other parties have been held to constitute admissible evidence in Louisiana. There are too many cases to cite. Illustrative are *State v. West*, 553 So.2d 945 (4th Cir. 1989), and *In re Hagarty*, 257 La. 1, 241 So.2d 469 (1970).

If it is urged that federal wiretap laws prohibit the recording of a telephone conversation by a person who is a party to the conversation, that argument was put to rest shortly after enactment of the present-day federal wiretap statute. The case of *Meredith v. Gavin*, 446 F.2d 794 (8th Cir. 1971), stands as good law to this day, with no contrary cases on the federal level.

Any seemingly opposing cases on the federal level are distinguishable: In each, a true "wiretap" was involved and none of the parties to the conversation made or authorized the recording or knew of the eavesdropper's existence. On the state level, some states (California, Illinois, Massachusetts, Florida and Hawaii, for example) have laws that, unlike Louisiana Revised Statutes 15:1303 C(4), do not permit but specifically prohibit a person recording his or her own conversations with others.

Accordingly, the tape was legally made and is admissible.

Turning now to the second point:

### **2. MR. SMITHERS'S ADMISSIONS OF ADULTERY ON THE TAPE MAKE OUT A *PRIMA FACIE* CASE OF ADULTERY.**

(Here again, follow the paradigm. Restate in the body or text of your memorandum the conclusion as stated above in the heading. Then state the proposition of law, in this case probably as follows: An admission of adultery by a defendant, if sufficiently detailed as to time and place, is sufficient proof of adultery. Then prove that proposition by citing authority, either Louisiana cases or cases from other states, holding adultery proven by the defendant's admission. Finally apply to the facts, restate the conclusion as to this subpart, and transition to the next point.)

Accordingly, it can be seen that the tape is all the evidence this court or Mrs. Smithers needs of her husband's infidelity.

Turning now to the final point:

**3. MR. SMITHERS, HAVING SQUANDERED COMMUNITY FUNDS ON A JUNKET TO EUROPE, MUST NOW REIMBURSE THE COMMUNITY FOR THE FUNDS SO WASTED.**

(Once again, use the paradigm to make this argument, citing authority, applying the cited authority to the facts of the instant case, and restating the conclusion as to this subpart.)

Accordingly, Mr. Smithers must reimburse the community for the monies he spent on his girlfriend where the only "business" on this trip was adultery.

**CONCLUSION**

(Next, wrap the whole memorandum in an overall conclusion, setting it up as a major heading, "Conclusion."):

It can be seen that the tape was lawfully made and is admissible, that it proves plaintiff's case of adultery, and that the defendant must reimburse the community for the family funds he spent on non-family purposes.

Plaintiff asks for a judgment of divorce on grounds of adultery, and for restoration of her property improperly used by her husband to finance an illicit affair.

Respectfully submitted,

## How to draft a Legal Document

- 1

Identify the parties clearly. First and last names are usually not enough--you will need identifying information such as an address or Social Security number that is sufficient to distinguish each person from every other person in the world. Be sure not to confuse the identity of an individual with the identity of the company that he represents--in many cases, companies rather than individuals are parties to a legal document.

- 2

Use terms consistently--don't use the word "car" in one sentence and the word "automobile" in the next sentence to refer to the same vehicle. In many cases, parties or terms are defined by the use of capital letters (for example, "...the mortgage held by Second Central Bank, hereinafter referred to as the "Mortgage"...)", where the term Mortgage is used consistently after that point. This may seem cumbersome, but it is often necessary to prevent opposing counsel from manufacturing ambiguities if the document is ever used in court. However, the use of definitions should not be overused to make a document look more "legal"--it should clarify rather than obscure the content.

- 3

Avoid "legalese" but don't be afraid to use a legal-sounding term if it is a legitimate term of art. Refer to a legal dictionary if you are unsure. For example, the use of "Party A" and "Party B" or "Smith" and "Jones" is certainly superior to unnecessarily cumbersome "Party of the First Part" and "Party of the Second Part." However, the term "springing executory interest" may sound arcane but is probably the most accurate and succinct way to describe what it refers to.

- 4

Use simple grammar whenever possible. Long sentences with more than one subordinate clause can often be interpreted more than one way. This can result in ambiguous double meanings for the same sentence. Such ambiguities could be seized upon by someone who is, for example, trying to avoid contractual obligations.

- 5

Break your document up into clear headings. Specify within the document whether the headings should be used to interpret the text or are inserted for reference only. For example, a price of "\$10,000" might be alternatively payable in Japanese Yen if the heading reads "Payment" but probably must be paid in US dollars if the heading reads "Payment and Currency." If the headings are inserted for reference only, no such interpretation is available.

- 6

Pay particular attention to any signatures required to make the document legally effective. If an individual is signing on behalf of a company or under a power of attorney, this should be clearly noted. If a document must be notarized, a place for the signature of the notary public should be provided.

- 7

Check over the document to make sure it is flawless in terms of spelling, grammar and punctuation. Remember that the simple misplacement of a comma can change the meaning of a sentence and, in some cases, the entire document.

Read more: [How to Prepare Legal Documents | eHow.com](http://www.ehow.com/how_5054564_prepare-legal-documents.html#ixzz2QXaTzxx8)  
[http://www.ehow.com/how\\_5054564\\_prepare-legal-documents.html#ixzz2QXaTzxx8](http://www.ehow.com/how_5054564_prepare-legal-documents.html#ixzz2QXaTzxx8)

# SWOT ANALYSIS



## Table of assessment for counseling – 12. class

### Table of Assessment Legal Skills Course

**Case:**

**Names:**        -  
                      -

Putting client at ease (icebreaker, small talk)	
Eye contact	
Proper English	
Making sure client understands and you all are on same page	
Ask if anything has changed	
Provide summary of facts	
Provide explanation of conducted legal analysis	
Outline possible options	
Describe options beginning with general description, than detailed	
Describe pros and cons of options	
Fit what client wants to outlined options	
Allow client to ask questions	
Prepared handout	
Use of handout while explaining	
Explanation of prepared document	
Explanation of process of implementation of chosen option	
Letting client to choose	
Nonverbal communication	
Cooperation in pair	
Concluding and saying goodbye to client	

TOTAL

## Writing in Readable Style Handout – 13. class

### Writing in Readable Style Handout

Clear –

Cohesive –

Coherent –

Concise -

#### ACTIVITY 1

Read the text below. What adjectives would you use to describe the writer's language and style? How much do you understand? Is it clear? Is it easy to follow? Does it sound English to you? Why (not)?

The fundamental concept of this philosophy of organism is based on a speculative generalization of nation of power. The atomistic view of the merely mechanical aggregation of parts is replaced by Whitehead with the conception of the universal relatedness and reciprocal prehension of all real occasions factors that are expressed in the concrete elements of „actual entity“, „prehension“, and „nexus“.

#### ACTIVITY 2

Rewrite these sentences so that the actions are expressed in verbs and not nominalizations

The successful implementation of a new curriculum depends on the cooperation of faculty with students in setting achievable goals within a reasonable time.

- To implement \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Precision in plotting the location of building foundations enhances the possibility of its accurate reconstruction

- When we precisely plot \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any deviation by the members from established procedures may cause termination of the membership by the Board

- If members \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



The research effort is concentrated on getting knowledge about people's lives at those times and their coping with new living conditions after the velvet revolution.

- The research focuses/ we \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Due to the goal of the project, the targets of my analysis are mostly steel frames, vacuum path components or optomechanical parts.

- Due to the goal of the project \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### ACTIVITY 3

Read the following passage. Note there is a missing sentence in the middle of the passage.

Some astonishing questions about the nature of the universe have been raised by scientists exploring the nature of black hole in space. (). So much matter compressed into a little volume changes the fabric of space around it in puzzling ways.

Read two suggestions below and decide which one links better to the previous and to the next sentence. Explain why.

- A) The collapse of a dead star into a point perhaps no larger than a marble creates a black hole
- B) A black hole is created by the collapse of a dead star into a point perhaps no larger than a marble

### ACTIVITY 4

Read the following paragraph. Is it cohesive? Which organization pattern has been used?

California supports rich fisheries off its coast. The high productivity of fish is supported by high rates of algal production. Algal growth in the ocean is typically limited by the nitrogen supply, but this is high off California because N-rich deep water wells up to the surface along the coast. This upwelling is driven by the winds that push that south-flowing surface water away from the shore, allowing deep water rise to surface. These off-shore winds are driven by the regional climate patterns, including El Niño, that are being intensified by the greenhouse effect, which results from increased CO<sub>2</sub> in the atmosphere. Increased CO<sub>2</sub> in the atmosphere also increases the amount of CO<sub>2</sub> dissolved in the ocean, which reacts with water to form carbonic acid (H<sub>2</sub>CO<sub>3</sub>), reducing the ocean's pH. This reduced pH makes it hard for shell-forming organisms to make calcium species such as abalone, oysters, and even sea urchins. Thus, increasing CO<sub>2</sub> is going to have many important effects on marine ecosystem.

### ACTIVITY 5

Read the following two paragraphs. Which one is cohesive and which one is not? Why?

- A) Because the naming power of words was distributed by Locke, he repeated himself often. Seventeenth century theories of language, especially Wilkins's scheme for a universal language involving the creation of countless symbols for countless meaning, had centered on this naming power. A new era in the study of language that focused on the ambiguous relationship between sense and reference begins with Locke's distrust.
- B) Locke often repeated himself because he distrusted the naming power of words. The naming power had been central to seventeenth century theories of language, especially Wilkins's scheme for a universal language involving the creation of countless symbols for countless meaning. Locke's distrust begins a new era in the study of language, one that focused on the ambiguous relationship sense and reference.

## ACTIVITY 6

Look for bulky phrases, redundant phrases and excessive detail. Simplify.

1. It is interesting to note that the new organism is green in color, round in shape, 5 x 10 mm in size, and active with respect to motility.
2. Diaries written by Holocaust survivors are the most intimate type of confession of Holocaust witnesses.
3. In his time Michael de Praga (died in 1401) was rather an important member of the Carthusian order and was both respected for his literature work and his organising talent.

# Legal Skills Course

Class 1 – Introduction, Course Information

# Organization of the Course

- Introduction + Legal Skills
- Diamond
- Interviewing I
- Interviewing II – Active listening
- Interviewing – Assessment
- Organising facts of the case
- Problem solving + presentation skills
- Argumentation (extra presentation)
- Negotiation (extra debate)
- Writing legal documents
- Counselling
- Counselling – Assessment
- Extra class – Writing in Readable style + Legal Advice

# Attendance

- 12 scheduled classes x 2 absences allowed
- Students who attend classes are awarded with points (max. 10 points for at least 10 classes)
- Two compulsory classes 5 and 12 - interviewing and counselling

# Assessed Activities

- Introduction + Legal Skills
- Diamond
- Interviewing I
- Interviewing II – Active listening
- **INTERVIEWING – ASSESSMENT**
- Organising facts of the case
- Problem solving + presentation skills
- **ARGUMENTATION (EXTRA PRESENTATION)**
- **NEGOTIATION (EXTRA DEBATE)**
- Writing legal documents
- Counselling
- **COUNCELING – ASSESSMENT**
- Extra class – Writing in Readable style + Legal Advice

# Point distribution

- Throughout the semester the students collect points, together they can collect up to 100 points (120 points if they decide to do both extra activities and excel them)
- The points are obtained:
  - 30 points interviewing
  - 30 points counselling
  - 30 points written legal advice
  - 10 points attendance (12 classes, 2 allowed absences = 10 evaluated classes)
  - 2 extra activities for 10 points each
    - Presentation of the case
    - Debate – argumentation

# Grading

- A – 100 - 91
- B – 90 - 81
- C – 80 - 71
- D – 70 - 61
- E – 60 - 50
- F – 49 and less 😞



# Legal professions

- Judge/ District, regional, high, supreme, constitutional
- Assistant judge
- Prosecutor/states attorney
- Advocate/counsel/attorney/ barrister/solicitor
- Legal trainee
- Notary public/ his assistant/trainee
- Enforcement officer
- Trustee/liquidator in insolvency
- Ombudsman/public defender
- Civil servants/ public officers/ public agents
- Academia/ professors, assistants, PhD
- Law publishers/editors
- Ministry of justice employees
- Corporate lawyers
- International organisations employees
- Arbitrators/ mediators
- Army lawyers/ JAG
- Government
- NGOs
- Municipality
- Diplomacy

# Legal Skills

- Communication
- Problem Solving
- Presentation
- Interviewing
- Counselling
- Mediation
- Legal Analysis
- Argumentation
- Legal writing
- Negotiation
- Legal Research
- Drafting

# Communication

- What you are saying is not always what the other is hearing
- Describe the picture as you see it
- Draw the picture according to description.
- Results?
- Reasons?
- Implications?

# Legal Skills Course

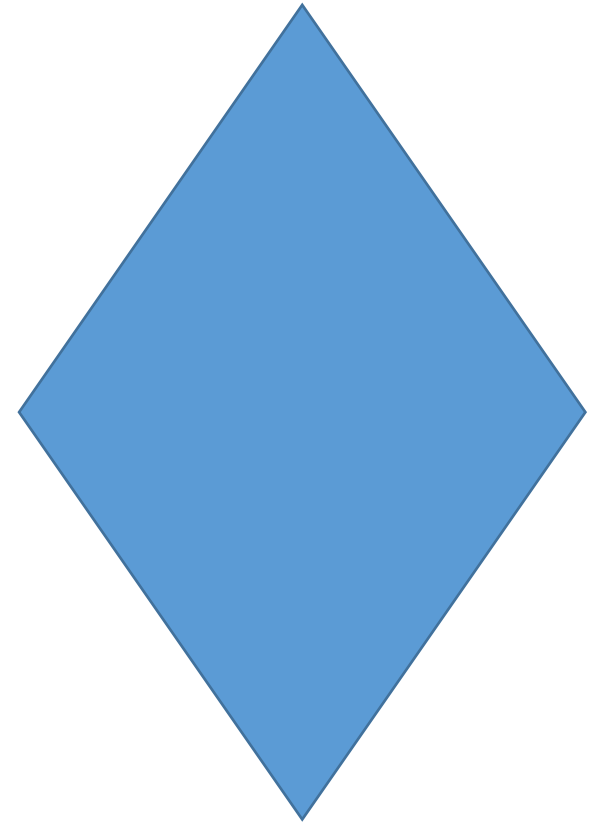
Class 2 – Legal Professions and Legal Skills

# Skills Important for Legal Professions

- Assertiveness
- Intuition
- Analysis
- Patience
- Thick skin
- Empathy
- Written skills
- Authority
- Perseverance
- Oral skills
- Awareness of ethical issues
- Add 5 more

# Diamond 16 Exercise

- Start individually, then discuss in pairs
- Arrange the skills in order of importance
- 1-2-3-4-3-2-1



# Discussion

- Why do you put certain skills on top?
- Why do you put others on bottom?
- Where did you put the skills that you consider important? Why?

# Legal Skills Course

Class 3 – Interviewing 1 – Structure and Principles



# Overview

- Which professions use interviewing skills?
- When do they use them?
- Why are they important?

# Video analysis

- Watch the following video from Technical University in Sydney twice:
- <https://www.youtube.com/watch?v=LoD1xOVFMgQ>
- Take notes focusing on:
  - Steps/structure
  - Logic of the process
  - Possible variations

# Interviewing Skills

- Rules of client interview:
  - focused on clients and their needs and dispositions
  - interviewer has to be aware of interviewee
  - the client can be worried, nervous, frightened, confused
- Always maintain eye contact
- Steps:
  - Put client at ease – discuss icebreakers
  - Contact details – best way to contact
  - Retainer – discussion about cost
  - Confidentiality – what are protected information
  - Previous legal advice – why it is important
  - Fact finding
    - Outline in chronological order
    - Plain english
    - Understanding client

# Aim of Interviewing

- Identify specific issues in client's problem
  - Non-judgmental
  - Show courtesy and understanding
  - Ask exhaustive questions in chronological order
- Discover what is client's goal and what can you do to help him achieve it
- Do not pretend you know all answers right away, do further research if necessary

# Techniques of fact finding

- Open and closed questions
- Takes practice and time
- Open – tell own story in own time and comfortable
- Closed – ask second, never ask too soon
- Paraphrasing = cross-checking
- Wrap up – summarize the facts in mind and get organized
- Conclusion
  - Recover issues which were raised in interview summarily
  - Written summary – outline follow up action

# Second Video Analysis

- VIDEO:  
<https://www.youtube.com/watch?v=LpPL24DVB70>
- Introduction
- Any icebreaker?
  - Hand shake
  - Offer to take place
  - Offer water
- Discussion about the rules, costs
- What is the nature of the problem?
- What does the client want?
- What kind of questions are asked?
  - Open
- Did the client bring any materials?
- Conclusion
  - Good bye

# Legal Skills Course

Class 4 – Interviewing 2 – Active Listening

# Outline Interview Plan

- Welcome the client. Greet, seat and introduce yourself. Make sure the client is comfortable.
- Create effective working environment. Make sure there will be minimal interruptions: switch off phones, and tell others not to disturb you during the interview.
- Encourage the client to put forward his or her perceptions.
- Listen, without interrupting, if at all possible.
- Remember that listening also involves noting non-verbal communications.
- Reflect on what you are being told, through paraphrasing and questioning.
- Question more deeply to establish salient facts, clarify ambiguities and check relevance.
- Summarise your findings.
- Allow the client the chance to ask questions, clear doubts or express anxieties.
- Outline the options, both legal and non-legal.
- Assist the client in making an informed choice of action.
- Take instructions.
- Explain any follow up to be undertaken by the lawyer, including costs involved.
- Confirm that the client agrees to the course of action.
- Check if there is any other business.
- Provide an idea of timescales.
- Conclude.
- Say goodbye and show the client out.



# Top 10 tips for legal interviewing success

- Legal interviewing is not just about obtaining information. It helps establish an effective relationship with the client.
- Plan your interview, but leave enough flexibility and time for the client to be treated as an individual with a unique set of issues.
- Show empathy, rather than sympathy, with the client's situation.
- Pay attention to your behaviour when the client is speaking. Stay attentive and interested.
- 'Listen' to the non-verbal signals the client sends out as well as the words they say.
- Clarify what the client tells you by paraphrasing or questioning.
- Use silence to help you reflect on what has been said.
- If necessary, take notes to help you remember key information.
- Offer potential solutions to the client, but let them decide which course of action to pursue.
- Listen to the client's worries. Be clear about fees and timescales.

# Video analysis

- Open vs. Closed questions – what are the pros and cons, when to use
- VIDEO: <https://www.youtube.com/watch?v=aP55nA8fQ9I>
- Discuss: active listening techniques
- VIDEO: <https://www.youtube.com/watch?v=7AxNI3PhvBo>
- Discuss: principles of active listening

# Active Listening

- Gaining good understanding
- Well known problems
  - Hearing ≠ listening
  - Listening is the perception of voice, hearing is listening and understanding
  - We think faster then we hear the voice
  - One has to avoid being distracted
  - Is not important to hear every word, it is important to discover what is the message of the communication

# Active listening – interviewer action

- Listen with intensity – concentrate
- Empathy – do not compromise the message with your own beliefs
- Acceptance – if you do not agree, do not judge the client
- Responsibility for completeness of acquired information
  - Interviewer can intervene to ensure that the story makes sense
  - Be aware of emotions
  - Ask questions as necessary

# Video analysis 2

- Assess the quality of active listening skills in the video:
- VIDEO: <https://www.youtube.com/watch?v=7AzNPWnzcC4>
- Optional video:
- VIDEO: <https://www.youtube.com/watch?v=4VOubVB4CTU>

# Information about the next class

- Compulsory interview exercise
- Students will be divided into pairs and choose from one of four cases:
  - Divorce
  - consumer protection
  - business contract
  - Medical malpractice
- Students will apply the steps of the interview as learned in third class as well as the skill of active listening in a simulated interview
- Students will be assessed based on the criteria on next slide

# Interview Assessment Criteria

- Putting client at ease (icebreaker, small talk)
- Discussion of contact details
- Discussion of costs
- Previous legal advices on the case
- Eye contact
- Show respect and empathy toward client
- Discussion of Confidentiality
- Permission to take notes
- Plain English
- Establishing client goals
- Making sure client understands and you all are on same page
- Ask exhaustive questions
- Ask closed questions
- Nonverbal communication
- Cooperation in pair
- Summarization in chronological order
- Outlining follow-up action and options
- Getting all the information
- Paraphrasing
- Concluding and saying goodbye to client

# Legal Skills Course

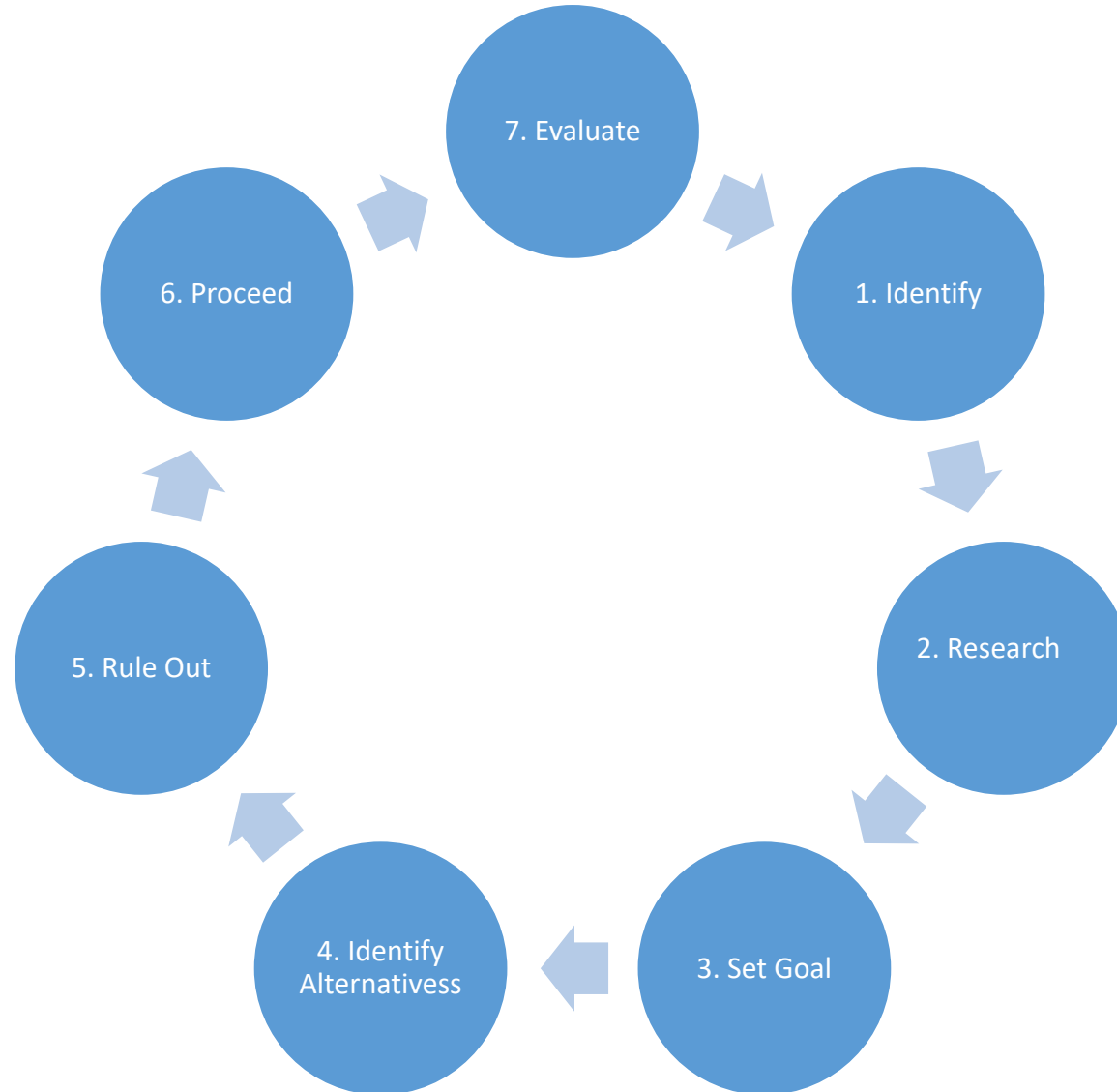
Class 6 – Problem Solving



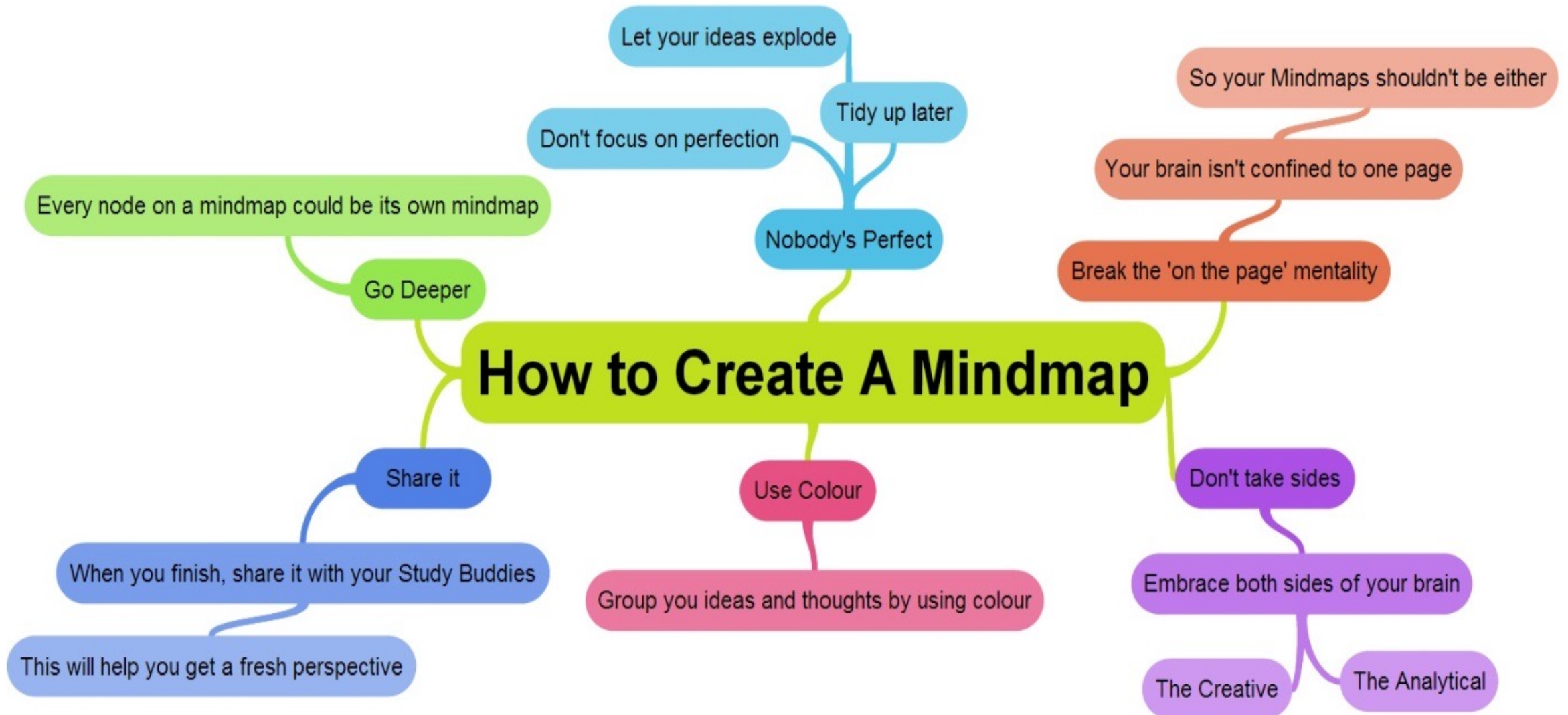
# Problem solving steps

- Identify the problem
- Research the problem
- Set Goal for the approach to the problem
- Identify alternatives within set goal
- Rule out unnecessary information
- Proceed with the decision
- Evaluate your problem solving

# Problem solving scheme



# Organising the facts of the case – Mind-mapping



# Mind-mapping tools

- Web pages, where the students can create a mind map are for example:
- <https://www.goconqr.com/en/mind-maps/>
- <https://www.mindmup.com/>
- <http://mindmapfree.com/>
- <https://www.canva.com/graphs/mind-maps/>
- 
- Case maps are using more developed software that helps organize the case. More information can be find online:
- <https://www.lexisnexis.com/en-us/products/casemap.page>

# Organizing the facts of your case

- Key facts
- Key actors / stakeholders and their interests
- Chronology
  - a complete list of events and narratives in chronological order starting with the oldest one to the newest. If there is a concrete date on which an event happened, they should note the date and create a TIME LINE
- Themes
- Legal Issues
- Legal Instruments

# Time-line

Hawkins - LexisNexis CaseMap

SmartAssist

FILE HOME REPORTS CASE TOOLS VIEW

Cut Copy Paste New Fact New Record Detail Delete Issue Linking Review Linked Files Research

Clipboard Record Tools Text Formatting Symbols Editing

CASE SHORTCUTS

Search

Favorites

- Facts (29)
- All Objects (62)
- Persons (15)
- Documents (36)
- Issues (12)

All Shortcuts

- Facts (29)
  - Objects
    - All Objects (62)
    - Persons (15)
    - Organizations (4)
    - Documents (36)
    - Other Physical Evidence (0)
    - Events (0)
    - Places (0)
    - Pleadings (1)
    - Proceedings (5)
    - Other Discovery (1)
    - Demonstrative Evidence (0)
    - Other Objects (0)
  - Issues (12)
  - Questions (7)
  - Research
    - Authorities (5)
    - Extracts from Authorities (5)
    - Authorities and Extracts (5)

CASE SHORTCUTS

SEARCH RESULTS

FACTS 29 RECORDS

Date & Time	Fact Text	Source(s)	Material	Status	Linked Issues
Mon 11/25/2002	William Lang meets Philip Hawkins while touring Converse Chemical Labs plant in <b>Bakersfield</b> .	Deposition of William Lang, 25:14;	Yes	Disputed by: Us	
12/??/2002	William Lang invites Philip Hawkins to visit Anstar Biotech Industries facilities in Irvine.	InterviewNotes	No	Prospective	Wrongful Termination
01/??/2003	William Lang offers Philip Hawkins <b>Sales Manager</b> position at Anstar Biotech Industries.	InterviewNotes, Email from Phil Hawkins at...	Yes	Undisputed	Retaliation
Mon 01/13/2003	<b>Philip Hawkins joins Anstar Biotech Industries as a Sales Manager.</b>	Anstar Biotech Industries Employment	Yes	Undisputed	
Mon 12/01/2003	Philip Hawkins promoted to Anstar Biotech Industries VP of Sales.	InterviewNotes	Yes	Undisputed	Retaliation
Fri 01/09/2004 to Wed 01/21/2004	Philip Hawkins negotiates <b>draft</b> Hawkins Employment Agreement with William Lang.	Hawkins Employment Agreement	Yes	Undisputed	Wrongful Termination
02/??/2004	William Lang tells Philip Hawkins that he has changed his mind regarding the Hawkins Employment...	Philip Hawkins, Deposition of William...	Yes	Disputed by:	Wrongful Termination
03/??/2004	Susan Sheridan has dinner with Linda Collins and complains about Anstar Biotech Industries management.	Deposition of Linda Collins, 33:15.	Unsure	Disputed by:	
Wed 05/11/2005	Philip Hawkins receives Hawkins Performance Review from William Lang. Is rated a 1 <b>"Outstanding"</b>	Hawkins Performance Review	Yes	Undisputed	Wrongful Termination, Deserved Termination
06/??/2005	William Lang makes decision to reduce size of staff.	Deposition of Karen Thomas 43:19	Yes	Disputed by: Us	Hawkins Specific
07/??/2005	Susan Sheridan is terminated.	Deposition of Philip Hawkins	Yes	Undisputed	Pattern & Practice
Mon 07/04/2005	Philip Hawkins allegedly makes derogatory remarks about Linda Collins to Karen Thomas during Anstar...	InterviewNotes	Yes	Disputed by:	Deserved Termination
Tue 07/12/2005	Anstar Biotech Industries second quarter sales announced. Sales have dropped by 8%.		Unsure	Undisputed	Demotion, Deserved Termination
Sat 07/30/2005	Philip Hawkins <b>demoted</b> to sales manager.	Deposition of Philip Hawkins, 24:18	Yes	Undisputed	Demotion
Tue 08/02/2005 #1	Philip Hawkins and William Lang meet.	????	Unsure	Undisputed	Hawkins Specific
Tue 08/02/2005 #2	Philip Hawkins alleges that William Lang tells him "The old wood must be trimmed back hard."	Complaint, p. 8; Deposition of Philip...	Yes	Disputed by: Us	Hawkins Specific, Demotion

Offline abc CAPS NUM

# Object list

- object list entails the objective facts of the case, students need to identify:
  - people – name, address, phone, mail, who they are, what they know, what they want
  - documents – a title, date, short summary of content
  - events – when they happened, what they triggered
  - places – where, jurisdiction
- other facts, that can make up a case – get concise details
  - link the objects to the key issues

# Top Ten List

- this list entails subjective facts of the case, students should note:
  - grievances
  - wrongs done to client
  - harmful events
  - losses
  - concerns
  - make a concise list of examples and factors demonstrating the unfitness, for example the list of symptoms, the reasons the opposite party is at fault, what the client wants from the suffering and pain



# Three Legged Stool

- Follows the Three Pillars concept – considering possible outcomes of the case:
  - You do not always get what you want, but if you try very hard, you get what you need.
- To organize and understand the case properly, you have to answer these questions:
  - What information I need to solve the case?
  - Where do I find them?
  - How do I verify that I will use them efficiently? – pros and cons

# Advanced Organization of Facts

	MEDICAL MALPRACTICE	SERVICE CONTRACT	DIVORCE	CONSUMER PROTECTION
The People				
The Documents				
The Events				
What client wants				
Where can I find it				
How to I verify				
Etc				
Etc				
Etc				

# Legal Skills Course

Class 7 – Structure of the Case + Case Presentation

# Working the Case - Structure

- interview
- studying the case
  - facts – situation, narrative, statements, documents
  - legal documents – rights and duties of the parties, periods, due dates
  - legislation + judicature – statutes, precedents, case law, codes
  - jurisprudence – books, articles, commentaries
- analysis of the case
  - to connect factual and legal situation
    - Roman Monuments – flipping two layers of pictures – factual and legal
- set goal/outcome – to solve the case + the solution makes the client happy
- if the law allows for more options how to achieve solution for the client – let him choose what will make him happy – give him options with pros and cons
- options
  - not one single correct solution
  - client chooses what follows
- make the solution happen
  - drafting the document
  - negotiation
  - settlement
  - court proceedings

# Structuring the Case Presentation

- **I – issue**
  - **R – rules**
  - **A – application**
  - **C – conclusion**
- I – identify issue
  - S – state the law
  - A – identify authority
  - A – apply law
  - C – reach for conclusion
  - I – repeat for each issue
  - S – synthesise into an answer
- **M – material facts**
  - **I – issue**
  - **R – rules**
  - **A – arguments/application**
  - **T – tentative conclusion**

# Structuring the Case Solution

- S – subject matter
- CA – course of action and relevant defences
- R – rules
- P – parties

- **S – subject**
- **C – cause**
- **A – analysis**
- **R – remedy**
- **P – practicality**
- **Y – your recommendation**

# Structuring the Case Analysis

- I – instruction from the client
- F – facts, documents, assumptions and qualifications
- S – short answers
- A – action analysis
- I – issue identification and analysis
- L – legal propositions
- A – authority, argument and application
- S – summary
- O – options, facts and practicalities
- R – recommendation
- **F – fact gathering**
- **A – action and analysis**
- **I – issue identification**
- **L - legal research**
- **S – statement of award policy**
- **A – application**
- **F – finding**
- **E – evaluation**

# Presentation skills crash course

- SLIDESHOW
- **Principles**
  - Structure in points– avoid texts
  - Adjust colours of the presentation to readability
  - Work with fond– readability, effectively
- **Your presentation**
  - 5 slides
  - Light background, dark fond
  - Work with special effects



# PRESENTATION

- **Non-verbal communication**

- Posture and Movement
- Gestures
- Stage fright

- **Your presentation**

- Not to stand in front of the canvas and turn
- Be natural
- Eye contact
- Coordination with partner

# VERBAL PRESENTATION

- **Communication**

- Slowly
- Loudly
- Comprehensibly

- **Your verbal presentation**

- Time management – 6 minutes!
- Do not underestimate preparation
- Work with pause and avoid language parasites

# STRUCTURE

- **Parameters of the task**
  - Introducing and saying hello
  - Road map
  - Sum up
- **Your structure of presentation**
  - Keep with the presentation – do not jump
  - Divide roles with your partner
  - Do not forget to conclude and say goodbye

# YOUR PRESENTATION

- Story
- Issue
- Rules
- Conclusion
- Proposed options

# Legal Skills Course

Class 8 – Legal Argumentation

# Argumentation

- Act of process of forming **reasons** and of drawing **conclusions** and of **applying** them to a **case** in discussion.
- The students will try to come up with their own definition of argumentation and argument; they have to keep the problem solving strategies in mind, especially IRAC.
- Argument is targeting a problem and should be structured
- I – issue
- R – rules
- A –application
- C – conclusion

# Memorandum of Law

- Read the distributed Memorandum of Law.
- In small groups, extract the main argument and make it into the IRAC structure.
- Example:
  - I - recording of private conversation and using them as evidence
  - R – Louisiana revised statutes 15:1303C4
  - A – it is allowed
  - C – its within the legal limits

# Video Analysis

- Watch a short clip from movie Legally Blonde from the court room,
- Formulate a LEGAL argument (there are many factual arguments, but just one explicit legal) and structure it into IRAC
- VIDEO: [https://www.youtube.com/watch?v= I\\_GYgGjxFM](https://www.youtube.com/watch?v=I_GYgGjxFM)
- Example:
  - I – Representation of a client by a legal student
  - R – rule 3.03 Supreme Court Ruling
  - A – with supervision of licenced attorney
  - C – a student can represent a client in criminal proceedings



# Faulty Arguments

## Appeal to the Mind

## Appeal to Emotions

## Faulty Deduction

## Manipulating Content

## Garbled Cause & Effect

## On the Attack

<p><b>Appeal to Anonymous Authority</b> Using evidence from an unnamed 'expert' or 'study' or generalized group (like 'scientists') to claim something is true. "They say that it takes 7 years to digest chewing gum."</p> <p><b>Appeal to Authority</b> Claiming something is true because an unqualified or untrustworthy 'expert' says it is. "Over 400 prominent scientists and engineers dispute global warming."</p> <p><b>Appeal to Common Practice</b> Claiming something is true because it's commonly practiced. "This hotel has some problems with corruption. But there's nothing going on here that doesn't go on in all the other hotels."</p> <p><b>Appeal to Ignorance</b> A claim is true simply because it has not been proven false (or false because it has not been proven true). "Nobody has proved to me there is a God. So there is no God."</p> <p><b>Appeal to Incredulity</b> Because a claim sounds unbelievable, it must not be true. "The eye is an incredibly complex bio-mechanical machine with thousands of interlocking parts. How could that exist without an intelligent designer?"</p> <p><b>Appeal to Money</b> Supposing that, if someone is rich or something is expensive, then it affects the truth of the claim. "If it costs more, it must be better."</p> <p><b>Appeal to Novelty</b> Supposing something is better because it is new or newer. "Awesome! The latest version of this operating system is going to make my computer faster and better..."</p> <p><b>Appeal to Popular Belief</b> Claiming something is true because the majority of people believe it. "Milk is good for your bones."</p> <p><b>Appeal to Probability</b> Assuming because something could happen, it will inevitably happen. "There are billions of galaxies with billions of stars in the universe. So there must be another planet with intelligent life on it."</p> <p><b>Appeal to Tradition</b> Claiming something is true because it's (apparently) always been that way. "Marriage is the union between man and woman. Therefore gay marriage is wrong."</p>	<p><b>Appeal to Consequences of a Belief</b> Arguing a belief is false because it implies something you'd rather not believe. "That can't be the Senator as that implies, if it were, he'd be lying about not knowing her, and he's not the kind of man who would lie."</p> <p><b>Appeal to Fear</b> An argument is made by increasing fear and prejudice towards the opposing side. "Before you know it there will be more mosques than churches."</p> <p><b>Appeal to Flattery</b> Using an irrelevant compliment to slip in an unfounded claim which is accepted along with the compliment. "Intelligent and sophisticated readers will of course recognize a ploy like this when they read one."</p> <p><b>Appeal to Nature</b> Making your claim seem more true by drawing a comparison with the "good" natural world. "Of course homosexuality is unnatural. You don't see same-sex animals copulating?"</p> <p><b>Appeal to Pity</b> Attempt to induce pity to sway opponents. "The former dictator is an old, dying man. It's wrong to make him stand trial for these alleged offences."</p> <p><b>Appeal to Ridicule</b> Presenting the opponent's argument in a way that makes it appear absurd. "Faith in God is like believing in Santa Claus and the Tooth Fairy."</p> <p><b>Appeal to Spite</b> Denial of a claim by appealing to personal bias against the claimant. "Don't you just love how those rich Liberal Hollywood actors go on TV to promote their agendas?"</p> <p><b>Appeal to Wishful Thinking</b> Suggesting a claim is true or false just because you strongly hope it is. "The President won't lie. He's our leader and a good American."</p>	<p><b>Anecdotal Evidence</b> Discounting evidence arrived at by systematic search or testing in favor of a few firsthand stories. "You going to carry on smoking. My grandfather smoked all day and he lived well beyond 90."</p> <p><b>Composition</b> Assuming that characteristics or beliefs of some or all of a group applies to the entire group. "Recent terrorist attacks have been carried out by radical Islamic groups. Therefore all terrorists are Muslims."</p> <p><b>Division</b> Assuming that characteristics or beliefs of a group automatically apply to any individual member. "Many Conservatives wish to ban gay marriage, divorce, climate change and stem cell research. Therefore all conservatives are homophobic and anti-scientific conservatives."</p> <p><b>Design Fallacy</b> Assuming that because something is nicely designed or beautifully visualized it's more true. "It's..."</p> <p><b>Gambler's Fallacy</b> Assuming the history of outcomes will affect future outcomes. "You flipped this coin 10 times in a row, and it's been heads. Therefore the next coin flip is more likely to come up tails."</p> <p><b>Hasty Generalization</b> Drawing a general conclusion from a tiny sample. "I just got out of the woman driver in front. Women can't drive."</p> <p><b>Jumping to Conclusions</b> Drawing a quick conclusion without fairly considering relevant (and easily available) evidence. "She wants birth control in her medical coverage? What a slut!"</p> <p><b>Middle Ground</b> Assuming because two opposing arguments have merit, the answer must lie somewhere between them. "I've ended your car but I don't think I should pay for the damage. You think I should pay for all the damage. A fair compromise would be to split the bill in half."</p> <p><b>Perfectionist Fallacy</b> Assuming that the only option on the table is perfect success, then rejecting anything that will not work perfectly. "Here's the point of this anti-drunk driving campaign? People are still going to drink and drive so neither what."</p> <p><b>Relativist Fallacy</b> Rejecting a claim because of a belief that truth is relative to a person or group. "That's perhaps true for you. But it's not true for me."</p> <p><b>Spotlight</b> Assuming an observation from a small sample size applies to an entire group. "This large shoe manufacturer employs children in sweatshops. Therefore all shoe companies are not child-slave owners!"</p> <p><b>Sweeping Generalisation</b> Applying a general rule too broadly. "These young men voted because they looked morally responsible former."</p> <p><b>Undistributed Middle</b> Assuming because two things share a property, that makes them the same thing. "If theory was an opinion idea. Scientists use the term evolutionary theory. Therefore evolution is an opinion idea."</p>	<p><b>Ad Hoc Rescue</b> Trying to save a cherished belief by repeatedly revising the argument to explain away problems. "... But apart from better sanitation, medicine, education, irrigation, public health, roads, a freshwater system and public order... what have the Romans done for us?"</p> <p><b>Begging the Question</b> Making a claim while leaving out one or more major contributing factors that may affect the conclusion. "I've been lied with warning labels. It will encourage people to eat more healthy."</p> <p><b>Biased Generalizing</b> Generalizing from an unrepresentative sample to increase the strength of your argument. "Our website poll found that 95% of internet users oppose online privacy laws."</p> <p><b>Confirmation Bias</b> Cherry-picking evidence that supports your idea while ignoring contradicting evidence. "It's obvious 9/11 was a American government led conspiracy to justify war in Iraq and Afghanistan. But please look at the Pentagon. The Twin Towers collapse was a controlled demolition..."</p> <p><b>False Dilemma</b> Presenting two opposing options as the only two options while hiding other alternatives. "We're going to have to cut the education budget or go deeper into debt. We can't afford to go deeper into debt. So we'll have to cut the education budget."</p> <p><b>Lie</b> An outright untruth repeated knowingly as a fact. "I did not have sexual relations with that woman."</p> <p><b>Misleading Vividness</b> Describing an occurrence in vivid detail, even if it is a rare occurrence, to convince someone that it is a problem. "After a court decision to legalize gay marriage, school libraries were required to stock some non-discriminatory children's books. Some given homosexual fairy stories and even materials of explicit homosexual content."</p> <p><b>Red Herring</b> Introducing irrelevant material to the argument to distract and lead towards a different conclusion. "The Senator needs't account for irregularities in his expenses. After all, there are other senators who have done far worse things."</p> <p><b>Slippery Slope</b> Assuming a relatively small first step will inevitably lead to a chain of related (negative) events. "If we legalize marijuana, more people will start using crack and heroin. Then we'll have to legalize those too."</p> <p><b>Suppressed Evidence</b> Intentionally failing to use significant and relevant information which counts against one's own conclusion. "The Iraq regime possesses and produces chemical and biological weapons. It is meeting nuclear weapons."</p> <p><b>Unfalsifiability</b> Offering a claim that cannot be proven false, because there is no way to check if it is false or not. "He had become he's possessed by demons."</p>	<p><b>Affirming the Consequent</b> Assuming there's only one explanation for the observation you're making. "Marriage often results in the birth of children. So that's the reason why it exists."</p> <p><b>Circular Logic</b> A conclusion is derived from a premise based on the conclusion. "Stepping on my rights only matters to those with something to hide. The rest of them something to hide if you expose privacy protection."</p> <p><b>Cum Hoc Ergo Propter Hoc</b> Claiming two events that occur together must have a cause-and-effect relationship. (Correlation = causel) "Teenagers in gangs often to rap music with violent themes. Rap music causes violence in teenagers."</p> <p><b>Denying the Antecedent</b> There isn't only one explanation for an outcome. So it's false to assume the cause based on the effect. "If you get a degree, you'll get a good job. If you don't get a degree, you won't get a good job."</p> <p><b>Ignoring a Common Cause</b> Claiming one event must have caused the other when a third (unlooked for) event is probably the cause. "We had the 9/11 sexual revolution, and now people are dying of AIDS."</p> <p><b>Post Hoc Ergo Propter Hoc</b> Claiming that because one event followed another, it was also caused by it. "Since the election of the President more people than ever are unemployed. Therefore the President has damaged the economy."</p> <p><b>Two Wrongs Make a Right</b> Assuming that if one wrong is committed, another wrong will cancel it out. "Sure - the conditions in this prison are cruel and dehumanizing. But these inmates are criminals!"</p>	<p><b>Ad Hominem</b> Bypassing the argument by launching an irrelevant attack on the person and not their claim. "Suppose that you are a doctor. So the Ground Zero Mosque is an American-loving Islamic."</p> <p><b>Burden of Proof</b> I don't need to prove my claim - you must prove it is false. "I mention long term solar cycles are the cause of global warming. Show me I'm wrong."</p> <p><b>Circumstance Ad Hominem</b> Stating a claim isn't credible only because of the advocate's interests in their claim. "A study into the health risks of mobile phone use used mobile phone companies. Therefore, the study cannot be trusted."</p> <p><b>Genetic Fallacy</b> Attacking the cause or origin of a claim, rather than its substance. "Of course, mainstream liberal media aren't going to say Barack Obama is a Muslim."</p> <p><b>Guilt by Association</b> Discrediting an idea or claim by associating it with an undesirable person or group. "So you want to vote the anti-terrorism laws just like the terrorists want us to do. Are you saying you support terrorism?"</p> <p><b>Straw Man</b> Creating a distorted or simplified caricature of your opponent's argument, and then arguing against that. "You say Israel should stop building settlements on the West Bank in violation of treaty. So you're saying Israel doesn't have the right to be a nation?"</p>
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# Rules for Debate

- The debate will begin with a game of rock-paper-scissors, where winner from three rounds will decide, if he will go first or the opponent will
- Each presenter has 4 minutes
- First presenter will talk for 4 minutes, than the opponent, then they both will have two minutes for rebuttal
- The classroom may ask questions
- Last argument will be legal and following IRAC structure - issue, rules, application and conclusion
- Keep the rules for presentation in mind!

# Topic Choices for Debate

- Doctors should be criminally responsible for acts non lege artis
- Pharmaceutical companies should be equally responsible as doctors
- Shared custody is the best custody for children of divorced parents
- Infidelity should determine maintenance for children
- Protection of consumer should be the on constitutional level
- Corporations should also receive non-pecuniary damages
- Soft drugs should be legal
- Euthanasia should be legal for minors
- Adoption by same sex couples should be legal
- Right to self-determination against territorial integrity on example of Scotland
- Telecom providers should submit their records if client is suspected of terrorism
- European countries should admit refugees according to quota

# Legal Skills Course

Class 9 - Negotiation

# Negotiation UTS Tutorial

- Watch the video twice and take notes:
- VIDEO: <https://www.youtube.com/watch?v=8swLQKH8J6E>
- Discuss: what are the main principles of negotiation?
- What are the advantages and disadvantages of negotiation when compared with other conflict resolution methods?

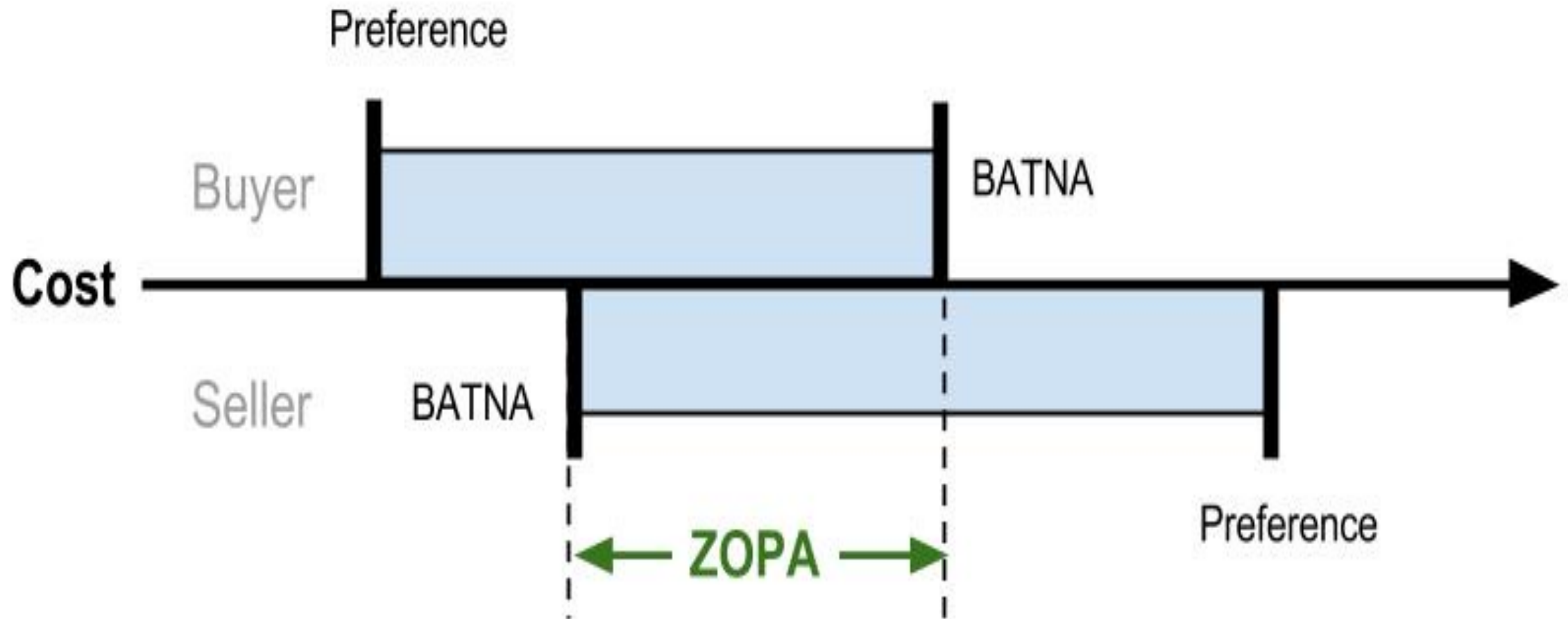
# Key Principles

- The key to negotiation – Preparation
  - see the problem from clients perspective
  - legal issues
  - Non-legal issues
- Another key – Open mind
- Plan – what your client wants/ what the other side wants
  - have OPTIONS prepared

# Agenda

- Come with agenda – set ground rules at the start
  - interest based negotiation – make the prize bigger as possible not to divide the rest
- BATNA – best alternative to negotiated agreement = most advantageous alternative
- WATNA – worst alternative to negotiated agreement
  - = how will you handle the case if you need to walk out of there without agreement
- to AVOID
  - getting into argument – do not argue the merits
  - mistakes – to focus only on one position
  - belligerent party – acknowledge the right to feel that way
    - bring them back to the case
- BENEFIT of negotiation = control over dispute
  - parties determine the result = SATISFACTION

# Negotiation Scheme





# Video Examples of Negotiation

- I. negotiation went wrong – Intolerable Cruelty - <https://www.youtube.com/watch?v=6PpQk63iIWw>
- II. negotiation went right – Picard style - <https://www.youtube.com/watch?v=fpPMLK-xX-A>
- III. negotiation with mediation – Negotiation Assignment - [https://www.youtube.com/watch?v=LJahwN\\_dKb4](https://www.youtube.com/watch?v=LJahwN_dKb4)
- IV. no negotiation – Fifth element - <https://www.youtube.com/watch?v=3oKwg6W05MU>
- V. negotiation as skill in trade – Wolf of Wall Street - <https://www.youtube.com/watch?v=4TK1BX9H3kl>
- VI. negotiation in crisis – Friends - <https://www.youtube.com/watch?v=NuBvJynfaWc>
- VII. negotiation in law – A Civil Action - [https://www.youtube.com/watch?v=XEGy\\_asxL2U](https://www.youtube.com/watch?v=XEGy_asxL2U)
- VIII. negotiating with terrorists – Tropic Thunder - <https://www.youtube.com/watch?v=dROwEc4VyJA>

# Negotiation Analysis Videos

- <https://www.youtube.com/watch?v=BAj2j26kuzo>
- Jobs - <https://www.youtube.com/watch?v=H3rdz1n7SFk>
- Up in the Air - <https://www.youtube.com/watch?v=qyL7TG6SzDU>
- Nightcrawler - <https://www.youtube.com/watch?v=qyL7TG6SzDU>
- Erin Brockovich - <https://www.youtube.com/watch?v=BbWcaxrVcxY>
- Pirates of Caribbean - <https://www.youtube.com/watch?v=xjQ5OomkVpg>
- Game of Thrones - <https://www.youtube.com/watch?v=1mZlrMr6ls4>
- Django Unchained - <https://www.youtube.com/watch?v=QrmCT5dqP7I>

# Fina Reflection

- – 30 rock - <https://www.youtube.com/watch?v=a7-eoiY4bOo>

# Legal Skills Course

Class 10 – Drafting Legal Documents

# Client centred counselling - Recap

- Client centred counselling = legal advice provided, negotiation conducted, documents drafted are tailored to meet the client's needs.
- Rise of clients legal problem
- Analysis of the situation
- Identification of the situation
- Analysis of the problem = gathering information
- Definition of the problem
- Analysis of the solution – solution chosen by the client
- Analysis of the implementation – risks, causes, finances
- Implementation of the solution = WRITING OF LEGAL DOCUMENT

# Types of Legal Documents

- Discuss what kinds of documents are used in connection with client and his case and what are the effects of those documents:
- without legal effect – communication
- with legal effect
- with set content/form/structure – court decision
- without form and structure
- written by legal practitioner
- written by laymant
- purpose = materialization of client's wish

# Drafting Process

- Basic three steps strategy – PLAN – WRITE – REVISE
- 3 phases
  - preparatory – what do I want to tell
  - main – writing itself
  - final – revision, control

# Preparatory phase

- what am I writing – plea, petition, contract, communication
- do I have all the information I need
- do I know all the circumstances of the case
- do I know the clients goal
- do I know the limitations
- do I have the evidence



# Writing

- Main phase
- the three „C“s:
  - clear,
  - concise,
  - correct
- Discuss the handout
- thought, prepared, precise and clear, understandable, brief and concise, simply written
- reflects the professional approach, logical, grammatically correct, synopic

# Common Mistakes

- Preparatory Phase:
  - to write a good legal text I need to be an expert in the field
  - before I start to write I need to have everything read
  - before I start to write I need to know exactly what I will argue
  - at the beginning of every literal work there is a brilliant idea
  - I cannot do this
- Main Phase:
  - who do I write for
  - the more complicated writing, the more scientific work
  - simple sentences are just too easy
  - examples, examples, examples
  - I need to refer to everything I have read
- Final Phase:
  - I think I am done
  - today I will finish, tomorrow I will submit
  - commentaries
  - my geniality knows no borders
  - I think I am done

# Essential Elements of Petition to Court

- identification – court, parties to the dispute, subject matter (divorce), annexes and attachements (evidence)
- circumstances – of the case – statements and claims + always evidence
- how court shall decide
- costs

# Essential Elements of Contract

- name of the contract – established under which provision
- identification – parties, subject of the contract, purpose of the contract, consideration
- rights and duties of the parties, final provisions
- place, date, signatures

# Essential Elements of Notice

- identification
- obligation
- time period
- consequences

# Legal Skills Course

Class 11 - Counselling

# Counselling

- Counselling means presenting the outcome of case analysis to the client
- It takes place once relationship with the client has been well-established
  - part of communication with the client
  - not first communication
  - can bring possible challenges

# Goal of counselling

- present solution (lawyers point of view)
- make decision about the case (clients point of view)....primary goals
- if anything changed in the case
  - adjust the solution (L)
  - implement into reality (C)....secondary goals



# Principles of counselling

- client centred counselling – the client knows best
  - client knows how much money and time he wants to spend
  - if client chooses the outcome of the case, it motivates him to cooperate with his decision
- understandable language – legal advice is for client not the lawyer
- combination of written and spoken advice – better understanding for the client

# Challenges of counselling

- creating options for the client
- clarity
- professional affection – balance empathy and detachment

# Structure of Legal Advice - Oral

- introduction – readjust the icebreaker – does not make sense to ask again whether they found the offices OK
- new development in the case – new information
- recapitulation
  - story
  - facts
- what is your legal assessment
- what are the options in detail
- whether client knows what option he wants to pursue

# Structure of Legal Advice - Written

- prepare legal advice or at least a handout for the client
  - the lawyer does not longer take notes, he comes in prepared
- structure
  - facts
    - in facts you state only the important things
  - legal analysis
    - legal assessment of the situation
    - identification of legal regulations
    - applicable law
  - possible solution
  - summary
- keep IRAC format

# Possible solutions – SWAT Analysis

## SWOT ANALYSIS



# Indecisive Clients

- it is often the case, that the client seems unable to reach a decision, there are few technics to offer:
- offer to meet again
- go through the proposed solution again
- if client asks you to choose for him
  - last resort option, you have another point of view and legal point of view
  - deciding for the client may shift the liability

# Client Makes the Decision

- client needs to know what will happen
- implementation – plan for both client and the lawyer
- what are going to be the next steps
- what is the client supposed to do next
- when/ whether there is a next meeting

# Next Class – Assessed Counselling Exercise

- Assessment Criteria:
- Putting client at ease (icebreaker, small talk)
- Eye contact
- Proper English
- Making sure client understands and you all are on same page
- Ask if anything has changed
- Provide summary of facts
- Provide explanation of conducted legal analysis
- Outline possible options
- Describe options beginning with general description, than detailed
- Describe pros and cons of options
- Fit what client wants to outlined options
- Allow client to ask questions
- Prepared handout
- Use of handout while explaining
- Explanation of prepared document
- Explanation of process of implementation of chosen option
- Letting client to choose
- Nonverbal communication
- Cooperation in pair
- Concluding and saying goodbye to client



# Legal Skills Course

Class 13 – Legal English and Legal Writing

# Basic Principles of Writing

- 4Cs of Style –
  - Clarity
  - Cohesion
  - Coherence
  - Concision
- Complete the Activities and Fill in the Handout

# Activity 1

- Read the text below. What adjectives would you use to describe the writer's language and style? How much do you understand? Is it clear? Is it easy to follow? Does it sound English to you? Why (not)?
  - The fundamental concept of this philosophy of organism is based on a speculative generalization of nature of power. The atomistic view of the merely mechanical aggregation of parts is replaced by Whitehead with the conception of the universal relatedness and reciprocal prehension of all real occasions factors that are expressed in the concrete elements of „actual entity“, „prehension“, and „nexus“.

# Activity 2

- Rewrite these sentences so that the actions are expressed in verbs and not nominalizations
  - The successful implementation of a new curriculum depends on the cooperation of faculty with students in setting achievable goals within a reasonable time.
    - To implement.....
  - Precision in plotting the location of building foundations enhances the possibility of its accurate reconstruction
    - When we precisely plot.....
  - Any deviation by the members from established procedures may cause termination of the membership by the Board
    - If members.....
  - The research effort is concentrated on getting knowledge about people's lives at those times and their coping with new living conditions after the velvet revolution.
    - The research focuses/ we .....
  - Due to the goal of the project, the targets of my analysis are mostly steel frames, vacuum path components or optomechanical parts.
    - Due to the goal of the project.....

# Activity 3

- Read the following passage. Note there is a missing sentence in the middle of the passage.
- Some astonishing questions about the nature of the universe have been raised by scientists exploring the nature of black hole in space. (). So much matter compressed into a little volume changes the fabric of space around it in puzzling ways.
- Read two suggestions below and decide which one links better to the previous and to the next sentence. Explain why.
- A) The collapse of a dead star into a point perhaps no larger than a marble creates a black hole
- B) A black hole is created by the collapse of a dead star into a point perhaps no larger than a marble

# Activity 4

- Read the following paragraph. Is it cohesive? Which organization pattern has been used?
- California supports rich fisheries off its coast. The high productivity of fish is supported by high rates of algal production. Algal growth in the ocean is typically limited by the nitrogen supply, but this is high off California because N-rich deep water wells up to the surface along the coast. This upwelling is driven by the winds that push that south-flowing surface water away from the shore, allowing deep water rise to surface. These off-shore winds are driven by the regional climate patterns, including El Niño, that are being intensified by the greenhouse effect, which results from increased CO<sub>2</sub> in the atmosphere. Increased CO<sub>2</sub> in the atmosphere also increases the amount of CO<sub>2</sub> dissolved in the ocean, which reacts with water to form carbonic acid (H<sub>2</sub>CO<sub>3</sub>), reducing the ocean's pH. This reduced pH makes it hard for shell-forming organisms to make calcium species such as abalone, oysters, and even sea urchins. Thus, increasing CO<sub>2</sub> is going to have many important effects on marine ecosystem.

# Activity 5

- Because the naming power of words was distributed by Locke, he repeated himself often. Seventeenth century theories of language, especially Wilkins's scheme for a universal language involving the creation of countless symbols for countless meaning, had centered on this naming power. A new era in the study of language that focused on the ambiguous relationship between sense and reference begins with Locke's distrust.
- Locke often repeated himself because he distrusted the naming power of words. The naming power had been central to seventeenth century theories of language, especially Wilkins's scheme for a universal language involving the creation of countless symbols for countless meaning. Locke's distrust begins a new era in the study of language, one that focused on the ambiguous relationship sense and reference.

# Activity 6

- Look for bulky phrases, redundant phrases and excessive detail. Simplify.
- It is interesting to note that the new organism is green in color, round in shape, 5 x 10 mm in size, and active with respect to motility.
- Diaries written by Holocaust survivors are the most intimate type of confession of Holocaust witnesses.
- In his time Michael de Praga (died in 1401) was rather an important member of the Carthusian order and was both respected for his literature work and his organising talent.



# Legal Advice

- Legal Advice is a written document for client and a final assignment for assessment. The Legal Advice should be the peak of all the activities conducted in the 12 weeks of Legal Skills Course classes. The number of points students can be awarded is 30, 20 points for the legal advice, as in analysis of the case, and 10 points for the legal document they should prepare for the client.
- Legal Advice Assessment – 30 points
- 20 points – analysis
  - IRAC style
  - proper English
- 10 points – legal document
  - legal English
  - aimed to court or to the opposing party