These materials are adapted from materials developed by Professor Barbara A. Kalinowski, Thomas M. Cooley Law School, and submitted to the Legal Writing Institute Idea Bank in 2012.
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Syllabus
Introduction to Legal Skills: Legal Writing

January 5-8, 2015
Feedback Session (Thursday, January 22, 2015, at 1:30-2:30 p.m.)

Required Reading:


A course packet containing the materials required for the *Introduction to Legal Skills: Legal Writing* class will be posted on the Introduction to Legal Skills website – [www.cwsl.edu/ils](http://www.cwsl.edu/ils) – before January 5.

Highly Recommended Reading:


The required and recommended books are available through Follett, CWSL’s online bookstore.

You should complete the written Wydick exercises, listed below, before each class. You will incorporate into your writing assignments the skills you learn by doing the Wydick exercises. **The concepts you learn from Wydick will be included in a multiple-choice exam on Friday.** In addition, your Legal Skills Professor will expect you to be familiar with the principles covered by these exercises when you begin your Legal Skills I course.

Please bring paper and a pen to each Legal Writing class.
Please note the following:

1. The Introduction to Legal Skills course counts as 10% of your Legal Skills I grade.

2. A student who fails one portion of the Introduction to Legal Skills course (either Legal Writing or Legal Analysis) will be considered to have failed the entire Introduction to Legal Skills course.

3. Any classes you miss in the Introduction to Legal Skills course, whether in the Legal Writing portion or the Legal Analysis portion, will count as an absence in your Legal Skills I course.

<table>
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<tr>
<th>Date</th>
<th>Assignment</th>
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<tbody>
<tr>
<td><strong>Before Class Begins</strong></td>
<td>Your Legal Writing Professor highly recommends that you begin reading the recommended text, <em>Bridging the Gap Between College and Law School: Strategies for Success</em>, before Intro to Legal Skills begins.</td>
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<tr>
<td><strong>Sunday, January 4, by 5 p.m.</strong></td>
<td>Complete the First Writing Assignment, which you will find on the course website -- <a href="http://www.cwsl.edu/ils">www.cwsl.edu/ils</a>. Email the assignment to your Intro to Legal Skills: Legal Writing Professor (Professor Hargrove) and bring a paper copy to class on Monday.</td>
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<tr>
<td><strong>Monday, January 5</strong></td>
<td>Bring to class your first writing assignment and the course materials you will find posted on the course website.</td>
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<td>In class: We will use your first writing assignment to introduce the foundations of legal writing: IRAC and IREAC. We will introduce rule synthesis through an in class exercise.</td>
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<td>Tuesday evening: Read Statute 1.1001, the Wilson police report, the court's opinion in <em>State v. Wilson</em>, and the Andrews police report. These materials are found in the course materials packet posted to the course website. List the elements of the offense discussed in the materials and draft a rule. Bring your work to Tuesday's class.</td>
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<td>In addition, Monday evening read Wydick, pages 3 – 67, and complete the following exercises: p. 10: 1, 2; p. 12: 2, 5; p. 14: 2, 3, 7, 9; p. 17: 1, 4; p. 24: 1, 3, 5; p. 29: 1, 2, 6; p. 32: 2, 4, 5; p. 37: 2; p. 43: 1, 3; p. 49: 2, 5; p. 60: 1, 2; p. 64: 1, 2. (If you have time, your professor encourages you complete more exercises.)</td>
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<td>Date</td>
<td>Notes</td>
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| Tuesday, January 6 | Bring to class the materials you read last evening in the course materials packet, the elements you listed, and the rule you synthesized.  
In class: Using the work you completed last evening, we will work on a case matrix, which will be used to synthesize a rule for the case. In-class IRAC writing assignment.  
Tuesday evening: Complete the case matrix using the cases found in the course materials packet posted on the website: *People v. Davis, People v. Marx,* and *People v. Arroyo.* Synthesize a rule for those three cases. Bring the matrix and rule to Wednesday's class.  
In addition, Tuesday evening read Wydick, pages 69-107, and complete the following exercises: p. 76: 2 (a, b); p. 78: 6 (a, b, c); pp. 101 - 106: 1, 4, 5, 6, 10, 12, 21, 23, 26, 28, 26, 30, 34, 35, 38, 39. (If you have time, your professor encourages you to complete more exercises.) |
| Wednesday, January 7 | Bring to class the cases, the case matrix you completed last evening, and the rule you synthesized.  
In class, we will review the case matrix. You will write a new rule from the cases. You will apply the rule to a new set of facts. You will also work on a paragraph organization exercise. We will review exam taking techniques, both essay and multiple choice.  
Wednesday night, read *People v. Travis,* which is in the course materials packet. Add *Travis* to the case matrix and synthesize a new rule that incorporates all the cases you have read. Bring the cases, matrix, and rule to Thursday's class  
In addition, Wednesday evening review Wydick exercises. |
| Thursday, January 8 | Bring your cases, case matrix, and rule to class.  
In class you will take a multiple choice exam and a written exam. The multiple choice exam will be based on the Wydick exercises and on the rule synthesis exercises you have completed during the week. The writing portion of the exam will ask you to apply the statute and rule you synthesized to a new fact pattern. |
| Thursday, January 22 1:30-2:30 p.m. Feedback session | Report to your assigned room to receive feedback on the final assignments from Introduction to Legal Skills. This class, like the previous Introduction to Legal Skills classes, is required. Attendance will be taken. If you miss the class, the absence will be counted as an absence in your Legal Skills I course. |
First Writing Assignment

Welcome to Introduction to Legal Skills. The course syllabus and other materials for the Legal Writing portion of the course are posted on the Introduction to Legal Skills webpage -- www.cwsl.edu/ils. Please read the syllabus carefully. You have one assignment to complete for the Legal Writing portion of Legal Skills before you begin class on January 5. The assignment is due by 5:00 p.m., Sunday, January 4.

First Writing Assignment: Due Sunday, January 4

Read the directions carefully for the first writing assignment. Limit yourself to one hour, which includes time to think and write.

Your first writing assignment is based on the following law and facts. The police have arrested Francis Fuego for arson. The police have sent the case to the district attorney's office. The district attorney (DA) must now decide what, if any, charges to file against Ms. Fuego.

The police investigation showed that Ms. Fuego threw a match into a wastepaper basket. The basket smoldered. Smoke blackened the walls, but the walls were not charred. The heat from the fire activated the fire sprinklers, which doused the fires.

The leading case in your jurisdiction is People v. Blaze. In Blaze, the court set out a four element test for arson: 1) intentional or reckless disregard of an apparent risk, 2) burning, 3) of a dwelling, 4) of another. The only element at issue in Blaze was the burning element. There, the defendant started a fire that caused the charring of two walls in a building. The court held that charring was sufficient to satisfy the burning element. The court reasoned that some damage to the structure caused by fire is required; substantial damage or destruction of the structure is not required to commit arson.

Using the Blaze case, the DA has asked you to analyze whether the facts of Ms. Fuego's case meet the burning element, and thus whether the DA should charge Ms. Fuego with arson. Analyze the burning element only; assume the DA can prove the remaining three elements.

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1This fact pattern is adapted from a practice exercise found in David S. Romantz & Kathleen Elliott Vinson, Legal Analysis: The Fundamental Skill 61 (2d ed. 2009).
Please double-space your answer and use at least a Times New Roman 12 font. Remember to think and write for no more than one hour. Place your name on your paper. After you have completed your assignment, please email it to your Introduction to Legal Skills: Legal Writing Professor, by 5:00 p.m., Sunday, January 4. The email address is below.

Bring a paper copy of the assignment to class on Monday, January 5.

Professor Hargrove - rhargrove@cwsl.edu
California Western Statute 1.1001

It is unlawful for any person to sleep in a picnic area of a state-owned park.

What are the elements of this offense?

1.____________________________________
2.____________________________________
3.____________________________________
4.____________________________________
The suspect, Walter Wilson, is a 57-year-old male. Suspect states that he is a visitor who is traveling the world and that he has no home address.

At approximately 4:30 a.m., June 6, 2014, Officer Jones observed the suspect lying on a park bench in the picnic area of Ocean View Park, a park owned and operated by the State of California Western. The suspect's head was on his knapsack and an old blanket was covering his whole body. Although the officer initially thought the suspect was asleep, as she approached, she saw that the suspect's eyes were open. Officer Jones smelled alcohol on the suspect's breath, and the suspect admitted that he had consumed a couple beers at dinner the night before. Suspect stated that he has insomnia and that he usually sleeps only one or two hours per night. He stated that he may have slept for a while on the park bench earlier that night. Officer Jones arrested him, citing the suspect with violating California Western Statute 1.1001.

Date: June 7, 2014

Julie Jones, CWPD Badge No. 0512
The defendant, Walter Wilson, has appealed from his conviction for violating California Western Statute 1.1001.

The case arises from an incident that occurred on June 6, 2008. Early in the morning on that day, a police officer observed the defendant lying on a park bench in the picnic area of Ocean View Park, a park owned and operated by the State. The defendant had his head on his knapsack and a blanket over his body.

Although the officer initially thought the defendant was asleep, when she approached the defendant she saw that the defendant’s eyes were open. Even so, she arrested the defendant, citing him with violating California Western Statute 1.1001. The defendant pleaded not guilty, and the case went to trial.

At trial, the defendant testified that he suffered from insomnia and that he usually slept only one or two hours per night. The defendant also testified that he may have fallen asleep for a short while on the night he was arrested.

The defendant is correct that the evidence does not support a finding that he was asleep at the time he was arrested. The evidence is, however, consistent with a finding that, at some time that night, the defendant had been asleep on the bench.

Although we find that such evidence is sufficient by itself to uphold the trial court’s decision, we believe that the defendant’s conviction could also be upheld on other grounds. In enacting the statute, the State sought to ensure that its parks would be used only for the purpose for which they were intended: picnic areas of parks are designed as places where people can picnic, play, and relax and not as places for sleeping overnight. Thus, even if the defendant did not actually sleep in the park, he was using the park as a place to sleep, and this is unlawful under the statute. Thus, we affirm the trial court's judgment.

Draft a rule from this case.

Under California Western Statute 1.1001, a "picnic area" is

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
Andrews Police Report

The suspect is Marsha Andrews, a 40-year-old woman. She is employed by a local bank.

At 1:00 p.m., on July 18, 2014, Officer Myers observed the suspect reclining on the grass at Heritage Park, a park owned and operated by the State. The suspect's eyes were closed, and she was snoring. An empty lunch bag was next to her.

After observing the suspect for about five minutes, the officer approached the suspect and woke her. He then arrested the suspect, citing her for violating California Western Statute 1.1001.

Dated: July 18, 2014  

Michael Myers, CWPD Badge # 0601
Relevant Cases

In the following cases, the defendants were convicted under California Western Statute 1.1001, which prohibits sleeping in designated picnic areas of a state park. Each case turned on whether the area where the defendant was sleeping was a "picnic area," a term not defined in the statute.

People v. Davis

Holding: A grassy area of a park where people regularly eat lunches during the work day, but which is not officially designated as a picnic area and has no picnic tables does not constitute a picnic area for the purposes of the statute. The statute is not meant to create more designated picnic areas, but to preserve the character of those already in existence.

People v. Marx

Holding: A riverfront walkway area was not considered a picnic area for the purposes of the statute, even though people occasionally stopped to eat lunch there, because benches were placed along the walkway principally in order to give people a place to rest, not to eat. The court noted that people's use of an area for eating does not alone create a presumption that the area is a "picnic area."

People v. Arroyo

Holding: A grassy area of a downtown park where local businesspeople regularly ate lunches during the work day was considered a picnic area for the purposes of the statute, despite the fact that it was not officially designated as such. The park manager had installed additional waste containers along the walkway near the grassy area in response to the lunch crowd. The fact that there were no signs designating the picnic area was relevant, but did not overshadow the State's interest in setting aside places for residents and park patrons to eat.

People v. Travis

Holding: Defendant found to have violated California Western Statute 1.1001 where he was found sleeping on top of a picnic table located at the entrance to State nature trail (not officially designated as picnic area) where families often ate picnics. Due to the existence of a picnic table and grill, defendant could not deny knowledge that the area is meant for picnicking, not sleeping.
<table>
<thead>
<tr>
<th>Case</th>
<th>Conviction</th>
<th>Location</th>
<th>Eat?</th>
<th>Facts</th>
<th>Policy</th>
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<tbody>
<tr>
<td>Wilson</td>
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<td>Davis</td>
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<td>Travis</td>
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Rule Synthesis

Using the Case Law Matrix from the preceding page, craft a rule that an attorney could apply to a subsequent case.

In the cases where the court found that the area was a picnic area for purposes of the statute,

__________________________________________________ _________________________

__________________________________________________ _________________________

In the cases where the court found the area was not a "picnic area" for the purposes of the statute,

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

Put these two rules together to craft one rule.

Under California Western Statute 1.1001, a "picnic area" is

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________
ORGANIZING THE CASE EXPLANATION

Directions: For each of the following sentences, identify the purpose of each sentence in the case explanation paragraph: Rule, Facts, Holding, Reasoning, Conclusion. Then organize the sentences into a paragraph that follows the organizational principles discussed in class.

A. Defendant was observed by a police officer early in the morning, lying on a park bench in the picnic area of a park owned and operated by the State.
   1. Purpose:

B. The State Court of Appeal affirmed and held the evidence before the trial court supported the defendant slept on the bench at some time that night, even if defendant was not sleeping when he was arrested.
   1. Purpose:

C. In State v. Wilson, the court affirmed defendant’s conviction for violating State Statute 1.1001, because defendant used a public park to sleep, even though defendant was not seen actually sleeping.
   1. Purpose:

D. Although the officer believed the defendant was asleep, when the officer approached, she saw the defendant’s eyes were open.
   1. Purpose:

E. After considering the evidence, the trial court convicted defendant of violating California Western Statute 1.1001 and defendant appealed.
   1. Purpose:

F. The appellate court reasoned the State enacted the statute to ensure its picnic areas of parks were used only for the purposes intended: picnicking, playing and relaxing, but not for overnight sleeping.
   1. Purpose:

G. At trial, defendant testified he suffered from insomnia, but may have slept for a short while on the night he was arrested.
   1. Purpose:

H. Thus, the court held even if the defendant did not actually sleep in the park, he was using the park as a place to sleep, which is unlawful under the statute.
   1. Purpose:
ORGANIZING THE CASE APPLICATION

Directions: For each of the following sentences, identify the purpose of each sentence in the case application paragraph: Analogize, Distinguish, Policy, Conclude. Then organize the sentences into a paragraph that follows the organizational principles discussed in class.

A. Thus, given the statute’s purpose to allow picnicking and relaxing in the picnic area of a public park, but not overnight sleeping, it is unlikely Andrews will be convicted of violating California Western Statute 1.1001.

  1. Purpose:

B. However, also unlike Wilson, defendant Andrews was observed by a police officer sleeping for approximately five minutes, while Wilson was awake when the officer observed him.

  1. Purpose:

C. However, the empty lunch bag by Andrews’ side seems to indicate Andrews was in the picnic area.

  1. Purpose:

D. Unlike the defendant in Wilson, who used a state owned park as a place to sleep overnight, Andrews appeared to have taken an afternoon nap on the grassy area of a state owned park after eating his lunch.

  1. Purpose:

E. Like Wilson, Andrews was in a State owned park, but it is not clear from the police report that Andrews was in the picnic area of a park like Wilson.

  1. Purpose: