

**SYLLABUS**  
**ADVANCED LEGAL ANALYSIS (LAWS 542)**  
**SPRING 2025**  
**Professor Lisa Eichhorn**

**Contacting Me:**

The best way to reach me outside of class if you have a question is via email: **eichhorn@law.sc.edu**. I also have office hours on Mondays from 1:00 to 2:30 p.m. and Wednesdays from 3:30 to 5:00 p.m. My office is room 324. If my office-hour times aren't convenient, please email me, and we'll make an appointment to talk in person or online (Teams or Zoom) at some other time.

**Class Meeting Times, Course Credits, and Workload Expectation:**

Our class will meet in room 131 from 9:10 a.m. to 10:10 a.m. on Tuesdays and Thursdays, and you will receive two credits for passing this course. The ABA, which accredits the Law School, expects students to spend two to three hours preparing outside of class for each hour that the class meets. So do I.

**Course Objectives/Learning Outcomes – See page 6 of this syllabus.**

**Course Policies:**

**Assessment & Grade Calculation:** Your grade will be based on three exercises. The first is due in late January and is worth 5% of your grade. The second is due in late February and is worth 20% of your grade. The Final Take-Home Exercise is due at the end of the last full week of classes and is worth 75% of your grade. The final exercise will contain objective short-answer questions and a longer question that will ask you to apply statutory and case law to facts.

**Attendance:** I will take attendance at each class meeting. A Law School policy states that if you miss more than 10% of the classes, you must get a waiver from Dean Kuo to receive any grade other than an F in this course. If you miss class, please watch the Panopto recording.

**Being Late:** Late arrivals distract your classmates. I reserve the right to deduct ten points from your raw point total for chronic lateness, but I will communicate with you as soon as I notice a problem so that you can stop the pattern before it becomes chronic.

**Preparation and Participation:** You will learn more if you ask questions and contribute your thoughts in class. Therefore, you are always encouraged to participate in class discussion, as long as you respect your classmates.

**Honor Code:** You will submit three exercises that will count toward your grade. You may not use generative AI to complete them. In addition, it is a violation of the Honor Code to pass off someone else's work as your own. I will refer incidents of suspected plagiarism to the appropriate committee for review.

**Prohibition on Sharing Videos, Audio, or Screenshots:** It is an **Honor Code violation** to share recordings of our class—including video, audio, or screenshots—with anyone for any purpose. I promise that I will not share any video or audio or screenshot of you with anyone, either. It's important to me that you feel safe to participate in class.

## **Class Schedule**

### **Tues., Jan. 14th: The Weight of Case Law**

- Read excerpted article on unpublished & depublished opinions (on TWEN) and complete the Weight of Case Law Exercise (also on TWEN).

### **Thurs., Jan. 16th: Dicta, Holdings, and Findings**

- Complete the Holdings & Findings Exercise (on TWEN).

### **Tues., Jan. 21st: Describing Cases with Precision**

- Read “Case Descriptions” from Beazley & Smith, *Legal Writing for Legal Readers* 132-49 (2014) (on TWEN).
- Complete the Interspousal Immunity Exercise (on TWEN) in writing. Be ready to share and discuss your answers (on your laptop or printed out) in class.

### **Thurs., Jan. 23rd: Describing Cases with Precision**

- Review pp. 146-49 of the Beazley & Smith reading from last time.
- Complete questions 1-6 of the Critiquing Legal Analysis (Zombie) Exercise (on TWEN) and be ready to share and discuss your answers in class.

### **Tues., Jan. 28th: Describing Cases with Precision**

- Complete questions 7-16 of the Critiquing Legal Analysis (Zombie) Exercise and submit your answers via TWEN. They are worth 5% of your grade.

### **Thurs., Jan. 30th: Synthesizing Cases**

- Complete the Camper/Burglary case chart and critique the memo excerpt (on TWEN) by writing some comments to the author about how to improve it.

**Tues., Feb. 4th: Synthesizing Cases: How to Outline Synthesized Analysis**

- Compare the Zombie Memo Outlines (on TWEN) and decide which is the most effective. Take notes on what you see as the problems in the less effective outlines.

**Thurs., Feb. 6th: Organizing a Synthesized Statutory Analysis**

- Complete the Hartleys & Debenture Exercise (on TWEN).

**Tues., Feb. 11th: More Practice Organizing Statutory Analysis**

- Complete the Nansen & Byrd Exercise (on TWEN).

**Thurs., Feb. 13th: Organizing Statutory and Case Analysis**

- Complete the Susan Ashland Exercise (on TWEN).

**Tues., Feb. 18th: Refining Your Analytical Organization**

- Complete the Organizing Case Analysis (Conversion) Exercise (on TWEN) and be ready to discuss your outline in class.

**Thurs., Feb. 20th: Outlining the Analysis of a Legal Issue**

- Revise your outline from the Organizing Case Analysis (Conversion) Exercise and submit it via TWEN. It is worth 20% of your grade.

**Tues., Feb. 25th: Stating a Rule Synthesized from Case Law with Precision**

- Read the five case briefs in the Fusing Cases Exercise on TWEN (from Schmedemann & Kunz, Synthesis (3d ed. 2007)). Instead of answering the questions on p. 502 of the pdf, write your own synthesized rule, in a few sentences, regarding the liability under Connecticut common law of a defendant to a victim (or victim's estate) where the defendant has served alcohol to a person who then drove while intoxicated and injured the victim.
- Be sure you have access to a final version of your rule. I may ask you to read it aloud in class.

**Thurs., Feb. 27th & Mon., Tues., March 3rd-4th: NO CLASS. Individual conferences to go over Conversion Outlines**

- Sign up on TWEN for a brief conference this week. Conferences will take place via video or in-person (your preference). You will receive your outline back from me before or at the conference.

### **Thurs., March 6th: Navigating Statutory Language**

- Read “Briefing a Statute” (on TWEN, taken from Schmedemann & Kunz, Synthesis 56-61 (3d ed. 2007)).
- Complete questions 1 and 3 of the Reading Statutes Exercise (on TWEN, taken from *id.* at 487, 503-05).

### **Week of Mon., March 10th: SPRING BREAK – NO CLASS**

### **Tues., March 18th: Identifying Statutory Issues with Precision**

- Read ch. 3 of Shapo et al. Writing & Analysis in the Law (on TWEN).
- Do exercise 3-D in the Shapo chapter and be ready to discuss your answers in class.

### **Thurs., March 20th: Interpreting Statutes & Organizing Statutory Analysis**

- Do the Sal’s Auto Parts exercise (on TWEN) but skip the *Hedgeman* case.

### **Tues., March 25th: Interpreting Statutes & Organizing Statutory Analysis**

- No assignment for today. Woo-hoo!

### **Thurs., March 27th: Organizing Statutory & Regulatory Arguments**

- Complete the *Rowan* MPT exercise (on TWEN), but instead of writing out a full argument, simply outline the key points (issues, rules, rule-to-fact application) of your argument. Be ready to discuss your outline in class.

### **Tues., April 1st: Organizing Statutory & Regulatory Arguments**

- Do the *Nash v. Franklin Dept. of Revenue* MPT exercise (on TWEN). Time yourself to get a sense of how much you can accomplish in the 90-minutes allotted for an MPT question. Then keep working to finish a full outline of all of the analysis. We will discuss this exercise in class.

### **Thurs., April 3rd: Organizing Statutory & Regulatory Arguments**

- **NO CLASS.** Work on the Multi-State Performance Test (MPT) Community General Hospital assignment (on TWEN), but instead of writing a letter, just draft an outline of the contents of your letter. Include references to the statute and regulations in your outline and be ready to discuss your outline in class on Tuesday the 8th.

**Tues., April 8th: Organizing Statutory & Regulatory Arguments**

- No new assignment; we will discuss the Community General Hospital assignment, so have your outline accessible during class.

**Thurs., April 10th: Receive Take-Home Final Exercise**

- The Take-Home Final Exercise will be made available to you today. Unless you have arranged otherwise, it is due on Friday, April 18th.

## **ADVANCED LEGAL ANALYSIS**

### **LEARNING OUTCOMES/COURSE OBJECTIVES**

- To deepen your understanding of case law, statutory law, and regulations
  - To understand the persuasive weight of cases and to understand individual cases precisely and in procedural context
  - To refine your ability to synthesize legal rules from various sources
  - To develop strategies for reading statutory and regulatory language and to learn commonly used theories of statutory interpretation
  
- To refine your ability to use legal authority in objective and persuasive legal writing