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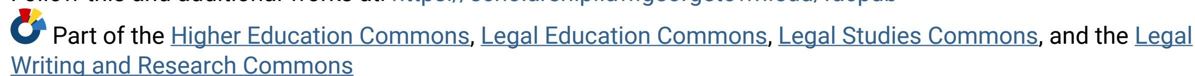
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Using Discourse Analysis Methodology to Teach "Legal English"

Craig Hoffman

In this study, I propose a curriculum focused on raising students' linguistic awareness through rigorous discourse analysis and reflective writing in a legal context. Students analyze authentic, full-text legal documents using discourse analysis methodology. By carefully analyzing the language in legal opinions, appellate briefs, law review articles, law school exams, typical commercial contracts, and statutes, students become experts in analyzing and evaluating legal texts. Students learn to manipulate legal language to achieve various desired linguistic and legal effects. This approach has three primary advantages. First, it forces the students to carefully read authentic legal texts. Second, it gives students the linguistic tools to talk about the effectiveness of texts. Third, it empowers students to criticize legal texts and concomitantly enables them to purposefully craft language to achieve a desired discourse message. These skills are wholly portable – both in law school and in law practice.

Keywords: discourse analysis, curriculum design, LL.M., legal English

In the emerging discipline of Law, Language, and Discourse, scholars have focused on several different aspects of how the disciplines of linguistics and law can work together in academic and professional contexts. My contribution to this conversation focuses on law pedagogy. This paper describes how I use

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discourse analysis methodology to teach law in a required class in our LL.M. program at Georgetown University Law Center that I call United States Legal Discourse (USLD). USLD is a one-semester class in a one-year LL.M. program at Georgetown. Because it is based on principles and methodology used in discourse analysis, USLD intentionally helps students to acculturate to the legal discourse community that they are trying to enter. In this past academic year, I taught USLD at Georgetown to 180 students from 65 different countries. Most students had a law degree from a non-common law country, and they were primarily non-native speakers of English.

Although, at first, it seemed that their being non-native speakers of English was the most salient feature of this group of students, it became clear to me that their unfamiliarity with the English language was much less problematic than their unfamiliarity with our federal common law legal system and the conventions of U.S. Legal Discourse.[1] As the students learn to become discourse analysis experts, they look at U.S. law as a network of integrated texts. Textual analysis enriches and hastens their understanding of U.S. law and U.S. legal culture.

In this text, I will explain the goals that drove the design of the USLD curriculum at Georgetown. I will also contrast this discourse analysis approach to the more commonly used Legal English approach, which is based on first-year Legal Writing classes commonly taught in most U.S. law schools.

About seven years ago, I was asked to design a class for our foreign LL.M.s at Georgetown. The class was supposed to replace a Legal Writing class that had not been successful. That class had been taught in much the same way that we teach Legal Writing classes to our first-year American J.D. students. This is not uncommon in U.S. laws schools that offer Legal Writing classes to foreign LL.M. students. The thinking has been this: we

[1] Having taught the USLD classes for several years, I am convinced that the same approach would be equally successful with another group of students that is equally unfamiliar with U.S. Legal Discourse: American J.D. students in their first year of law school in the U.S., but that will have to wait for another paper.

would like to teach the American J.D. students how to write well in a legal context, and we would like to teach the foreign LL.M. students to write well in a legal context. Why not just use the same class? Of course, it's not that simple. Instead of simply transporting a Legal Writing class to the LL.M. audience, I decided to rethink the whole concept. Since then, I have been trying to design a wide range of classes for LL.M. students and lawyers that will help them not only to write better in English but also to acculturate to their target legal discourse communities and to communicate about them in English. [2]

When I first started looking around for something that might already exist to address this foreign audience, I found a number of models for classes called Legal English. That sounded right. Legal English classes, however, look disquietingly similar to the standard J.D. Legal Writing class that had proved to be so unsuccessful for us before. These Legal English classes generally focus on how to produce various types of legal documents in English. In these classes, teaching writing is the stated focus – teaching writing, however, had always been thought of as teaching a basket of skills that students simply need to master. The basket includes a mix of rudimentary legal reasoning and analysis and things that one would often find in an introductory English composition class at an American undergraduate university: large-scale organization; small-scale organization; citation form; and some basic English grammar. Sometimes these classes are taught by lawyers, who know very little about language or discourse, and sometimes they are taught by applied linguists, who often know very little about the law.

Typically, Legal English teachers try to teach this basket of skills in a number of ways: mostly by showing models of good (and sometimes bad) examples of writing; by teaching explicit lessons about grammar and citation form, and, post facto, by putting comments on students' papers. They are, in a sense,

[2] In addition to the USLD curriculum for Georgetown, I have also designed a four-semester curriculum based on similar principles for the Peking University School of Transnational Law in Shenzhen, China.

template-production classes. The goal is for the students to produce legal texts that will appear to be authentic to members the target legal culture.

This pedagogy has become entrenched in law schools in the U.S. – mostly in LL.M. programs, and it is being exported throughout the world. Because these classes focus on the production tasks in writing -- and on the basket of writing skills that they are trying to teach, the curriculum designs that constitute Legal English classes often fail.

I think that they fail because they simply assume too much knowledge on the part of students about the social practices in the target legal discourse community. That is, students must infer what it means to participate in legal discourse. Students try to produce formally authentic documents, but they are missing much of the background knowledge that would let them produce documents that would seem substantively authentic to members of the target discourse community.

It should not be a surprise, then, that students often report that they are unsure what to do or how to evaluate for themselves whether they have created successful texts. They feel like Legal English faculty are "hiding the ball" somehow. Students feel that they are simply guessing about what they should write. In fact, they are doing just that. To be more concrete, the cadence of the typical Legal English class is something like the following:

1. The Legal English teacher makes up a very simple set of facts that pose a very simple legal question.
2. Students then do some very simple legal research to find legal sources, usually cases, that address the legal issue.
3. The Legal English teacher then gives students some examples of the document that he wants the students to draft: usually a simple and idealized office legal memorandum. Unfortunately, this form is wholly idealized, and it is rarely, if ever, used in law practice.
4. Often there is a lot of discussion of the formal features of the document: there should be a Facts section; there should be something called a Question Presented and a Brief

Answer; and there should be a Discussion section, where the student will analyze the law.

5. With this background, the student tries to produce an example of this target text, using the facts that he has been given and the research that he has done.

6. The Legal English teacher then makes comments on the student's draft, and the student re-writes the text. The comments are typically on various aspects of the basket of skills: legal reasoning; structural organization; grammar and citation form.

The idea here appears to be that, by simply behaving like a lawyer in this simplified context and getting written feedback on their texts, students will be able to pick up what it means to be a member of the discourse community. Unfortunately, it doesn't work that way – even in these overly simplified contexts. This design has many problems. The biggest problem seems to be that law faculty who are teaching writing at law schools are assuming that their students share with them an enormous number of assumptions about the social practices surrounding U.S. legal culture. Because students are new to the discourse, they do not share these insights, and they cannot quickly infer what the faculty members want them to do.

Legal English faculty seem to believe that the simplicity of the tasks that they ask the students to perform will lower the need for the students to be fully acculturated in legal discourse in order to produce authentic texts. That simply does not seem to be true.

I have designed a curriculum that focuses initially not on teaching students to master the basket of skills but, rather, on helping the students to understand the social practices that dictate what will be considered authentic writing in their discourse community. I am convinced that students need to be ushered into the discourse of law intentionally and immediately, and they need consistent reinforcement of their learning. Because I base my approach on discourse analysis theory and methodology, and because my approach is quite different from the typical Legal

English class, I call my class U.S. Legal Discourse (USLD).[3] I believe that before students can effectively produce authentic legal texts, as they are required to do in Legal English classes, they should be explicitly taught what U.S. lawyers know about the role of legal texts in the discourse. The idea is to get students to critically analyze primary legal texts so that they can efficiently acculturate to the legal system that they are working in.

In designing this Legal Discourse curriculum to prepare students to acculturate to a given legal discourse community, I am primarily relying on the approach to discourse analysis used by Fairclough (2003) in his book *Analyzing Discourse*.[4] The framework that Fairclough sets out highlights three interwoven constructs: social structures; social practices; and social events.[5] Social structures set up the possibilities of social events: a language is a social structure in that a grammar sets up the possibilities of potential utterances. The actual utterances that occur (speech events) are brought forth through the work of social practices.

Before law students can even begin to participate in legal discourse by producing texts of their own, they must learn about what is important to the current members of the discourse community, and they must learn about the social practices that will constrain social events. Essentially, they must be told explicitly what lawyers in their target discourse are assuming and how these assumptions are manifested in the production and interpretation of typical legal texts. Fairclough makes the claim that two significant aspects of this are Intertextuality and Assumption.[6] In fact, these two concepts are critical to understanding how the social practices of lawyers constrain

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[3] I have written a text, *United States Legal Discourse: An Introduction to Legal English for Foreign LL.M. Students* (West 2007) with a co-author, Andrea Tyler, a member of Georgetown's linguistics faculty. We used the term Legal English in the title because it is the most commonly understood phrase describing these classes.

[4] Fairclough, Norman, *Analyzing Discourse* (Routledge 2003).

[5] *Id.* at 22.

[6] *Id.* at 40.

meaning and thus constrain the interpretations and designs of legal texts.

Intertextuality, of course, refers to the presence of actual elements of another text in a text: e.g., quotations and attributed summaries. Quotations are direct speech and attributed summaries are indirect speech: both are intertextual forces on a text. In the law, we use citations to flag intertextual influences. This is true in all writing in the law. Its influences are different and subtle in different types of writing: *e.g.,* scholarly writing; cases; and briefs. It is important signaling. Writers get various voices into their texts through citation and quotation. Students need to understand the force of this. Often when U.S. students learn about this type of signaling, they are taught only (or primarily) the formal aspects of the signaling. The formal aspects of the signaling, however, are trivial. The semiotics of signaling in legal texts is fascinating: what do the signs mean; how do you use them; what messages are you giving by using one sign or another?

It is important for lawyers to think about the function of citation and signaling in their writing. In a common law system, citation signals to the reader that the arguments are in fact supported by other texts. When a new case comes a long, the lawyers must repaint the landscape of law including these new facts. The common law is a huge and complex text that is wholly rewritten with the decision of each new case. Citation is the way that lawyers signal what the thinking is that supports the new text. The text of the law must "hold together" and the citation signals the lawyer's infrastructure.

Assumption includes the external relations of a text to another text or texts that are external to it but in some way brought into it[7]. Assumptions are, of course, different from intertextuality in that assumptions (what is unsaid) are not attributed or directly attributable[8]. It is the background knowledge that lawyers gain over their experience as members of

[7] *Id.* at 55.
[8] *Id.*

the USLD. We need to hasten that. Looking for assumptions in legal texts is the essence of legal discourse analysis.

Although the USLD class that I teach is explicitly targeted to students who are entering the U.S. legal discourse community, the methodology is equally applicable to any legal system. In fact, I always tell the students that it would be very helpful for them to make similar inquiries about texts in their own legal systems. Like the typical Legal English classes, the ultimate goal for this class is to have the students produce authentic legal texts that would be valued by members of the U.S. legal discourse community. But, even more important, I want students to become intentional and critical users of language in a legal context.

For the first several USLD classes, students act as participants/observers throughout the representation of a client. As opposed to the standard Legal English class, the subject matter of the representation is quite complex. Before introducing the students to their subject, however, it is important to carefully explain to the students what their role will be. In this segment of the class, they are explicitly acting as discourse analysts. I explain to them what a discourse analyst is and what a discourse analyst does. My presentation is based primarily on John Gee's twin texts: *An Introduction to Discourse Analysis: Theory and Method* and *Discourse Analysis: a Toolkit*.[9]

For both Gee[10] and Fairclough, it is crucial that new entrants into a discourse community are introduced to the background knowledge that all full members of the community share. It is these shared assumptions that do not appear explicitly in the community's texts. Without a thorough understanding of this

[9] Gee, John, *An Introduction to Discourse Analysis: Theory and Method* (Routledge 2010) and Gee, John, *Discourse Analysis: a Toolkit* (Routledge 2010).

[10] I just met with Professor Gee at Arizona State University, and he was very interested in this model of using discourse analysis in teaching law. In fact, we discussed how this somewhat anthropological look at legal discourse is reminiscent of some of Kenneth Pike's work in tagmemic theory. For example, *Language in Relation to a Unified Theory of the Structure of Human Behavior.* Janua Linguarum, series maior, 24. The Hague: Mouton. 1967 (2nd revised edition).

background knowledge, students cannot begin to produce complex and authentic texts of their own.

For novice members of the U.S. legal discourse community, one of the most puzzling aspects of this shared knowledge is the interaction between the federal and state legal systems. Where did the federal courts come from? How do they differ from State courts? How do state courts differ from each other? When can a court hear a state law issue and when can it hear a federal court issue? U.S. lawyers have internalized all of this information and it rarely appears in legal texts. That is, it is assumed. Nonetheless, understanding all of this is crucial to a student's successful acculturation into the U.S. legal discourse community.

Knowing this, I have created a complex commercial law problem that involves international parties and common law doctrines under New York state law: I have chosen to situate the legal representation as a transactional matter: it involves the application of the common law doctrine of good faith and fair dealing to a plan to restructure sovereign bonds, which are governed by New York commercial law. Although the New York state courts would commonly make law in the area of New York commercial law, often it is the Federal Courts that sit in New York that hear complex international law cases. Again, this background knowledge is part of what all practicing commercial lawyers know. This knowledge is commonly assumed, however, in all of the case law that students would read on their subject.

The texts that students read to learn about the law – mostly appellate court cases, are not written with them in mind. That is, students are not really part of the intended audience of a judge's opinion. The intended audience – lawyers and other judges, have all internalized the background knowledge that the judges are assuming. Novice members of the discourse community will not even notice that they are not fully understanding these impoverished texts. That is, law teachers must first identify the background knowledge that students need, and then they must find a way to help students to gain that knowledge.

Of course, there are many ways to introduce students to these complex issues in U.S. legal discourse. For example, one could give them a text about the U.S. legal system and assign them to read it. First of all, it's very difficult to find a good text – they are all either too general or too specific. Further, because students need to acculturate quickly in order to become successful law students, reading a long decontextualized text might be inefficient.

I teach the U.S. legal system by taking students though a discourse analysis of a famous case decided by the United States Supreme Court, *Erie v Tompkins*.[11] *Erie* is a relevant case. In it, the U.S. Supreme Court decided to overturn a doctrine that the Court had historically used to in the application of a federal statute. In particular, the Court ruled that, when federal courts are deciding a case that is a matter of state law, the federal courts should apply the law of the appropriate state, whether that law is common law or statutory law.[12] Before *Erie*, although federal courts always applied appropriate state statutory law, they had often applied a generalized common law to state law issues, disregarding the common law of the state.

Again, this case is quite complex; however, I ask the students to read it as a legal discourse analyst: Where are the parties to the case from? What court is the case filed in? What law is the court applying? How does the majority opinion differ from the dissent? How has the majority structured his arguments? How does the language that the majority uses to tell the facts of the case differ from the dissent? In addition to these fairly basic first year law school questions about the text, I also try to get the students to focus on the other voices in the text: other judges; legal scholars; policy advocates.

We also discuss the discourse parameters of a federal court case: who is the intended audience? What is the function of this genre -- the legal opinion -- in U.S. discourse? What sort of

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[11] *Erie v. Tompkins,* 304 US 64 (1938)
[12] 304 US at 71.

language does the judge use – objective; inflammatory; persuasive? What constitutes a well-structured legal argument?

This initial close reading of the *Erie* case accomplishes two important goals. First, a thorough discussion of the *Erie* case gives the students confidence about their understanding of the U.S federal court system, and, second, they are beginning to become comfortable with their roles as discourse analysts. Students have learned about some of the basic knowledge shared by members of the U.S. legal discourse community, and they have flexed their muscles as discourse analysts: they are learning to read texts critically.

For the remainder of this acculturation phase of the class, students participate in and observe the representation of the sovereign client in its debt restructuring plan. Throughout this representation, the lawyers involved use a variety of legal texts: cases; statutes; law journal articles. For each text, the students go through the same inquiries – not only looking for legal content, but also looking for Assumptions and evaluating the explicit intertextual cues in the texts. They are, in essence, behaving like discourse analysts.

Following this acculturation phase of the class, they spend several weeks designing their own documents in a class that I call USLD 2. The goal for USLD was to give the students enough background so that they could gain the confidence to produce their own legal texts in USLD 2. By focusing on the discourse role of each of the texts that we analyzed in USLD, USLD also introduced the students to the writer's role in the discourse. In USLD 2, the students are then able to take what they learned in USLD and apply it to an actual writing project.

For some students, USLD 2 will give them the opportunity to produce a suitable writing sample that demonstrates their ability to communicate effectively in Legal English. This goal makes the students work very hard. In fact, I grade both USLD and USLD 2 on an Honors, Pass, Fail scale. Although such a grading system can have a negative impact on students' motivation in Legal Writing classes for American J.D. students, I

have not encountered similar problems with the foreign LL.M. students. The students are supremely interested in improving their writing in English, and they work diligently.

During USLD 2, I meet with the students for two hours, once a week. Over the remaining weeks of the semester, the students produce a couple of short writing assignments and two drafts of a legal memorandum. One could certainly choose to use any topic for this segment of the class. Because the students have had an intensive introduction to U.S. Legal Discourse, they can actually produce writing quickly and confidently. I have found that students really don't need other textbooks for USLD 2. They are ready to construct legal documents using common law argumentation based on their experiences during USLD.

Because the students tend to be interested in international topics, I generally use a fact pattern that involves the CISG: the U.N. Convention on Contracts for the International Sale of Goods. Because of its status as a treaty, it constitutes federal law and also the law of the states. In essence, the New York UCC is the law that governs contracts between New York parties or between domestic parties who choose to be governed by New York law. If a New York party enters into a contract for the sale of goods with a foreign entity, and that entity is domiciled in a country that is also a signatory of the CISG treaty, the law governing their contract is the CISG.

Pace University Law School has an excellent website with very helpful materials about the CISG. www.cisg.law.pace.edu. In addition to having the complete text of the treaty, the Pace website has explanatory guides and links to cases that have been decided under the treaty. It also has links to scholarly articles that give helpful overviews of the treaty and its application. With relatively little investment, you can learn quite a bit about the CISG using the Pace site.

The particular legal issue that I have used focuses on the classic "battle of the forms." I use this topic because I have used a similar problem under the New York commercial code. The basic issue is something like this: Company A and Company B

enter into an oral contract. Company B then sends Company A some sort of confirmation letter that includes not only the agreed provisions about price, quantity and delivery dates, but it also includes some additional provisions that were not discussed by the parties in their negotiations. This confirmation serves as the writing between the parties. The question becomes whether the additional provisions will become part of the contract if Company A does not object to them and the parties both perform under the contract.

Under both the CISG and the UCC, the answer is that the additional provisions do become part of the contract if the additional provisions are not "material." As it turns out, the UCC and the CISG differ as to what is a material alteration for the purposes of the law. In most years, I have used the CISG as the law of the problem in USLD 2. The problem involves a Chilean shoe manufacturer who enters into an oral contract with a New York retailer. The parties agree on the essentials of price, quantity, and delivery; however, they do not discuss dispute resolution. The New York retailer sends a confirmation letter to the Chilean manufacturer that includes some additional provisions on the back. One of these is a standard arbitration clause. The issue is whether the arbitration clause becomes part of the contract.

I introduce the problem with a video showing my interview with the client, who is the CEO of the Chilean shoe manufacturer, cleverly called The Chilean Shoe Factory. I show the video in the first class of USLD 2. The students take notes, and their first writing assignment is to write the Client Intake Memo for the case. We have a conversation in class based on their experience with the Client Intake Memo from USLD. We talk about the purpose and intended audience for this document, and then they write the Client Intake Memo for this problem. The Client Intake Memo is due in the second week of class.

The pace of USLD 2 is quite efficient. Each week, the students have a writing assignment. The students write two drafts of their memos. I comment on both of the students' drafts, and I

have individual conferences with students about both drafts as well. I also try to incorporate some sort of "oral presentation" component into the class. Generally, the students sign up for ten to fifteen minute individual meetings with me. Each student comes to have a conversation about the law of the problem. The foreign LL.M. students prepare extremely well for these conversations, and they always appreciate the opportunity to speak English in a legal context.

The beauty of the USLD/USLD 2 format is its simplicity and its discourse analysis approach. Students learn about U.S. Legal Discourse and improve their Legal English both by thinking about writing in the role of the discourse analyst in USLD and by actually doing writing and creating authentic texts in USLD 2. In the Appendix, I have put the syllabus for USLD and USLD 2 for the fall of 2011.

In closing, I would like to highlight what I think is the major difference between the standard Legal English class and my Legal Discourse approach: In current Legal English classes, students begin immediately to try to produce authentic texts. They do so by learning a basket of skills in a simplified legal context. The idea is that if they can do this, they can generalize to other types of texts later. The students are told that they are behaving like lawyers.

In my Legal Discourse model, I focus first in the USLD class on the analysis of the authentic texts. Through their participant/observer role in a complex legal representation, the students are not only behaving like lawyers, but they are also behaving like discourse analysts – evaluating intertextual connections among related texts in a genre chain and assessing tacit assumptions lurking in those texts. I believe that this discourse analysis approach has truly hastened the students' acculturation into the legal discourse community, and it gives them the experience to produce authentic texts that satisfy the discourse expectations of the legal discourse community.

Only after they have been exposed to the discourse and after they analyzed authentic legal texts in USLD do they create their

own authentic texts in USLD 2. In fact, they use the same criteria to create authentic texts in USLD 2 as they used to evaluate authentic legal texts in USLD. This congruence of evaluation criteria and production criteria based on principles of discourse analysis gives the course coherence, and it gives the students confidence to create their own authentic legal texts.

Appendix

United States Legal Discourse 1
Syllabus

WEEK 1
Tuesday, August 30:
Topics: Introduction to the U.S. Legal System
Assignment Due: None
Assignment for Sept. 1: Read *United States Legal Discourse: An Introduction to Legal English for Foreign LL.M. Students* (USLD), Preface, Chapter 1 and Chapter 2, including the following accompanying texts, which are indicated in the Chapters:
Erie v. Tompkins, 304 U.S. 64 (1938)
(Law Review Article) *Exit Consents in Sovereign Bond Exchanges*
U.S. Constitution, Article III
28 U.S.C.A. 1652
Thursday, September 1:
Topics: Legal English vs Legal Discourse; Common Law Argumentation; Relationship between Federal and State Courts; Analyzing and Creating a Client Intake Memo
Assignment Due: Read USLD Preface, Chapter 1, and Chapter 2 with accompanying texts.
Assignment for Sept. 4: Draft Client Intake Memo and Post it to the Assignment Drop Box on the TWEN site by 9:00 PM on Sunday, September 4.
Read USLD Chapter 3.

Review (Law Review Article) *Exit Consents in Sovereign Bond Exchanges*

WEEK 2

Tuesday, September 6:

Topics: Scholarly Discourse about the Law

Assignment Due: Submit your Client Intake Memo to the TWEN site.

Read USLD Chapter 3.

Review (Law Review Article) *Exit Consents in Sovereign Bond Exchanges*

Assignment for Sept. 8: Read USLD Chapter 4, including the following accompanying texts, which are indicated in the Chapter: *Geren v. Quantum Chemical Corp.*; *Van Gemert v. Boeing Inc.*; *Metropolitan Life Insurance Co. v. RJR Nabisco*

Thursday, September 8:

Topics: Judicial Discourse as the Law

Assignment Due: Read USLD Chapter 4, including the following accompanying texts, which are indicated in the Chapter: *Geren v. Quantum Chemical Corp.*; *Van Gemert v. Boeing Inc.*; *Metropolitan Life Insurance Co. v. RJR Nabisco*

Assignment for Sept. 13: Close Reading of Cases

WEEK 3

Tuesday, September 13:

Topics: Making Legal Arguments Using Prior Cases as Support

Assignment Due: Close Reading of Cases

Assignment for Sept. 18: Read Chapter 5 and accompanying texts.

Comment on Section 2 of the Discussion Section of Close Reading Exercise 1.

Submit your Comments to the TWEN site Assignment Drop Box by 9:00 PM on Sunday, September 18.

Thursday, September 15:

Topics: Introduction to Online Legal Research

Assignment Due: Read Chapter 5 and accompanying texts.

Comment on Section 2 of the Discussion Section of Close Reading Exercise 1.

Submit your Comments to the TWEN site Assignment Drop Box by 9:00 PM on Sunday, September 18.

WEEK 4

Tuesday, September 20:

Topics: Review.

Final Assignment: Draft an Advice Letter to Peter Cramer, the Finance Minister of Urbania about the Urbania case. Submit your Letter to the Assignment Drop Box by 9:00 PM on Sunday, September 25.

United States Legal Discourse 2
Syllabus

WEEK 1: Writing an Executive Summary; Beginning Research

Assignment Due for Today: None

Assignment Due for Next Week:

Write a Client Intake Memo and post it to the TWEN Assignment Drop Box by 9:00 PM on Sunday, October 16, 2011.

Submit two case descriptions to the TWEN Assignment Drop Box by 11:00 AM on Tuesday, October 18, 2011.

Read *United States Legal Discourse*: Chapter 4

WEEK 2: Understanding the Law: Writing a Preliminary Draft

Assignment Due for Today:

Write a Client Intake Memo and post it to the TWEN Assignment Drop Box by 9:00 PM on Sunday, October 16, 2011.

Submit two case descriptions to the TWEN Assignment Drop Box by 11:00 AM on Sunday, October 18, 2011.

Read *United States Legal Discourse*: Chapter 4

Assignment Due for Next Week:

Write a Preliminary Draft of your memorandum and post it to the TWEN Assignment Drop Box by 9:00 PM on Sunday, October 23, 2011.

Read *United States Legal Discourse*: Chapter 5

WEEK 3: Organizing your Arguments: Writing a First Draft of your Discussion Section

Assignment Due for Today:

Write a Preliminary Draft of your memorandum and post it to the TWEN Assignment Drop Box by 9:00 PM on Sunday, October 23, 2011.

Read *United States Legal Discourse*: Chapter 5

Assignment Due for Next Week:

Write a First Draft of your Discussion Section of your memorandum and post it to the TWEN Assignment Drop Box by 9:00 PM on Sunday, October 30, 2011.

WEEK 4: Writing Conferences on Friday, November 4 – Sign up on TWEN

Assignment for Today:

Write a First Draft of your Discussion Section of your memorandum and post it to the TWEN Assignment Drop Box by 9:00 PM on Sunday, October 30, 2011.

Assignment for Next Week:

Based on our conference and my comments on your Discussion Section, re-write the Discussion Section of your memorandum and post it to the TWEN Assignment Drop Box by 9:00 PM on Sunday, November 6, 2011.

WEEK 5: Writing the Final Draft of the Memorandum

Assignment for Today:

Based on our conference and my comments on your Discussion Section, re-write the Discussion Section of your memorandum and post it to the TWEN Assignment Drop Box by 9:00 PM on Sunday, November 6, 2011.

Bring a hard copy of your Discussion Section to class today.

Assignment for Next Week:

Submit the Final Draft of your Memorandum to the TWEN Assignment Drop Box by 9:00 PM on Sunday, November 20, 2011.

WEEK 6: Continue Writing; Extended Office Hours

Sign up for Writing Conferences on Friday, November 18, 2011

WEEK 7: Sign up for Final Writing Conferences on Friday, December 2, 2011

Craig Hoffman B.A., William & Mary; Ph.D., University of Connecticut; J.D., University of Texas. Professor Hoffman is a linguist and a lawyer who has specialized in transactional writing and negotiating during his nine years of practice in Austin, Texas and Washington, D.C. Professor Hoffman is currently the Professor of United States Legal Discourse at Georgetown. He is also the Director of the Graduate Writing Program. Professor Hoffman focuses on acculturating Georgetown's foreign LL.M. students into United States Legal Discourse by teaching courses that introduce students to the ways that U.S. lawyers use language to communicate about the law. Professor Hoffman teaches classes and consults with law schools around the world on issues of language and the law. He also consults with law firms on the interpretation of statutes and contracts. Professor Hoffman has received several fellowships in linguistics, cognitive science, business, and writing. His areas of scholarship include forensic linguistics, statutory and contract interpretation, discourse analysis, and genre analysis. Email: hoffmanc@law.georgetown.edu.