

- Faculté de droit
- www.unine.ch/droit

Lawyering Skills and Legal Writing (4DR2182)

| Filières concernées | Nombre d'heures | Validation | Crédits ECTS |
|---------------------------------|--------------------|-----------------|--------------|
| Master bilingue en droit | Cours: 2 ph | Voir ci-dessous | 4 |
| Master en droit | Cours: 2 ph | Voir ci-dessous | 4 |

ph=période hebdomadaire, pg=période globale, j=jour, dj=demi-jour, h=heure, min=minute

Période d'enseignement:

- Semestre Automne

Equipe enseignante

ANDRES Paul, Chargé d'enseignement.

Contenu

Students learn and practice fundamental lawyering skills in a constructive and experiential environment. These lawyering skills include written and oral communication, legal reasoning, problem solving, advocacy, and rhetoric. Class sessions combine brief lectures and numerous practical exercises in small groups, as well as a few individual presentations. During class exercises, students will notably practice applying the law to specific facts in order to reach, articulate and defend their legal conclusions. Students will also practice interviewing and counselling clients, drafting predictive and persuasive legal memoranda, making persuasive oral arguments, negotiating, and documenting transactions. The course will emphasise anglo-american writing formats for legal issue statements, legal memoranda, and contractual documentation. In connection with the exercises and writing assignments, students will be asked to apply various given rules, taken from Swiss, European, and US law. This course covers a broad range of subjects, rather than delving deeply into just a few topics, in order to provide students with a good general overview of lawyering skills.

Forme de l'évaluation

A 2-hour, open-book, written exam. Students will answer questions about lawyering skills and draft a legal memorandum, applying facts to the law with proper legal reasoning and expression. Class attendance and participation are essential. Grades may be positively adjusted to reflect class attendance and participation.

Documentation

Course materials consist firstly of PowerPoint slides, and secondly of selected texts and videos which are available in a OneNote folder, systematically organised by class session. For additional information on legal writing, students are encouraged to consult : Legal Writing in Plain English (Third Edition – 2023), by Bryan A. Garner.

Forme de l'enseignement

Lectures, occasional guest talks, in-class exercises, oral presentations by students, and written assignments. Students are expected to participate in class exercises and discussions, to submit assignments on time, and to provide constructive comments to classmates.

Objectifs d'apprentissage

Au terme de la formation l'étudiant-e doit être capable de :

- Write predictive and persuasive legal memoranda
- Present oral arguments in an organised and persuasive manner
- Analyse legal issues and counsel clients on their legal options

Compétences transférables

- Write legal texts in a professional manner
- Present and defend legal arguments
- Apply the law to specific factual situations to reach sound legal conclusions