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### General Education in the Legal Studies Curriculum

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# General Education

## in the Legal Studies Curriculum

In seeking a higher education degree, legal studies students are required to take certain select courses in the Core Curriculum<sup>1</sup>, which are not law-centered or part of the required legal courses in their intended major. The designated courses in the Core Curriculum, Core Courses<sup>2</sup>, comprise part of their undergraduate degree and are referred to as General Education or GenEd requirements. While GenEd may be defined and implemented

by colleges and universities in a variety of ways, its purpose is consistent. For example, some institutions define GenEd independently of a student's major such as "the educational foundation of skills, knowledge, habits of mind, and values that prepares students for success in their majors and in their personal and professional lives after graduation."<sup>3</sup> Other institutions describe GenEd as both independent and dependent upon a student's major, defining GenEd as "grounded in the liberal arts and sciences, and integrated into every major, inspiring students to make connections across disciplinary lines and enriches their understanding of the moral, civic, and creative dimensions of life."<sup>4</sup> Therefore, while GenEd may be visible in the college's Core Curriculum or Core Courses, perhaps it may not be as visible in the courses in the student's major or area of concentration of study.

No matter the precise definition or the implementation of GenEd, effective communication so that students may write and speak with clarity, coherence, and persuasiveness, is just one proficiency/skill GenEd targets and aims to improve. There exists a symbiotic relationship between the law discipline and GenEd, especially in regard to communication skills, which contributes to the development of persuasive legal writing and oral advocacy competencies in the legal studies curriculum.

In the words of **Aristotle**,

*"The man who has been educated in a subject is a good judge of that subject, and the man who has received an all-round education is a good judge in general."*<sup>5</sup>

## A. The Lawyer as Law Professor and/or Legal Educator

The term "productive discomfort"<sup>6</sup> has been used to explain the manner in which legal concepts are first introduced to a student of law, whether through the Socratic Method<sup>7</sup> and/or the "cold call," which is the random calling on of any law student during lecture with rapid-fire questioning by a law professor challenging the student to either argue persuasively to defend their position or retreat from their stance. Yet, despite the seemingly less than optimal learning environment this method engenders, this legal tradition and/or rite of passage does ultimately serve a beneficial purpose for the law student in terms of developing critical thinking skills. Essentially, the Socratic Method is a learning tool "used for the very reason Socrates [created] it: to develop critical thinking skills in students and enable them to approach the law as intellectuals."<sup>8</sup> Active participation through oral advocacy skills and writing to persuade assist the law student in developing the reasoning skills that are needed when addressing complex legal issues in law practice. The Socratic Method is one approach to learning that attorney-legal educators are best familiar with and so, tend to adopt and adapt in their lectures and class discussions and as part of their teaching methodology.

## B. The Wealth of Materials from Law Texts and Other Disciplines Improve Legal Writing

The Socratic Method and the law-centered approach to learning and perfecting oral and written communication skills, however, may be improved upon by first *not* looking at the law, but instead studying and analyzing non-legal writings/texts. By reviewing sources other-than-law, the legal educator will expose legal studies students to well-written and persuasive writing styles, which they can then model in their legal writing assignments. In reading select works of impassioned advocates and artful writers and thinkers such as Sophocles, Abraham Lincoln, Martin Luther King, Jr., and Thomas Jefferson, the legal studies student gains insight as to what is required to convince a judge, an adversary, a law partner/senior associate and/or a managing paralegal of a certain argument or claim.

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These writings also serve as good sample models for how to persuasively communicate in writing whether drafting a legal memorandum, a legal brief, a PowerPoint presentation, or even during oral arguments in court or in negotiation discussions.

### C. Learning by Example

The value and benefits derived from reading and studying materials not directly focused on law is best demonstrated by the writings of prominent figures in U.S. history during some of the most difficult times in the history of our country. Imagine composing a letter to a mother who lost five sons in the Civil War,<sup>9</sup> or drafting a speech to persuade citizens to vote for you as their senator during a time of mounting tension and talk of secession, yet, your campaign message/platform rests on remaining unified as one nation.<sup>10</sup> Consider also the words that were chosen when writing a letter from a Birmingham prison in response to criticism regarding non-violent actions taken to correct injustices.<sup>11</sup> Further, consider the writing and reasoning skills needed to rally a young and inexperienced country and convince them to strike out on their own to form a new nation and new government.<sup>12</sup> The importance of going beyond the law in learning how to apply the law and respond to societal needs was recognized by Thomas Jefferson, one of the U.S. Founding Fathers and the third President of the U.S. (Jefferson). Before he put pen to paper or quill to parchment when drafting this key historical statement or declaration of freedom and independence, Jefferson “claimed that in writing the Declaration of Independence, credit must go to Locke,<sup>13</sup> Montesquieu, the Scottish Enlightenment, and the long struggle for English civil liberties.”<sup>14</sup>

### D. Law Infused – GenEd Fashioned Writing Assignments: Writing and Speaking to Persuade

During a student’s early years of education, much time is devoted to learning how to write and to speak to develop fundamental writing and oral communication skills. The “point & counterpoint” typical of speech

and debate and oral advocacy competitions, may also be familiar to students from their elementary/high school education and through participation in extra-curricular activities. This prior GenEd knowledge provides a solid foundation from which the legal educator may begin to instruct legal studies students about legal writing and oral communication assignments, especially those which are designed to persuade.

### E. Who Said It Best? You Be the Judge

Sophocles’ Greek tragedy, *Antigone*,<sup>15</sup> involving a debate about a new law of the kingdom, provides one such example from which a persuasive writing assignment may be designed. In a Legal Research & Writing or Legal Document Preparation course, for example, the legal studies students first provide their initial thoughts/reflections about who delivered the more compelling argument, King Creon or Antigone. Next, they post a response to a thread in the Discussion Board tab on Blackboard with a caption such as ‘*Who Said it Better*’ or ‘*You be the Judge*.’<sup>16</sup> The legal studies students choose whether they are more persuaded by Team Creon or Team Antigone and respond in writing to the instructor’s questions for this comparison.

A possible “Discussion” thread on Blackboard may appear as follows:

**Thread: *You be the Judge***   
**Team Creon versus Team Antigone**

Law/Rule (logic-brain)

Emotions (feelings-heart)

Precedent (standard for future use)

Decision (supported by evidence/examples)

Examine Language/Word Choice  
(who said it best)

Alternatively,

**Thread: You be the Judge**   
**Team Hilfiker versus Team Loring**

What was the main claims/argument made by the authors?

What evidence & examples were provided by each in support of their claims?

Were proposed solutions practical or able to be implemented by others?

Who said it better?

Examine Language/Word Choice.

This assignment can be used to assess both oral and written communication skills. The Discussion Board post may be used to evaluate the legal studies students' writing, but may also count towards the students' participation points in the course. This is because the Discussion Board post serves as a spring board for further class discussion and a precursor to the main persuasive writing assignment/memorandum. In this manner, the instructor utilizes the lecture and initial assignments, like *You Be the Judge*, to create interest and better prepare the legal studies students for drafting the formal and main persuasive writing assignment/assessment.

Similar to *Antigone*, other writing sources such as journals or news articles by authors who demonstrate convincing and persuasive opposing viewpoints also provide useful GenEd skill-based and law-related assignments. For example, "The Limits of Charity," by David Hilfiker<sup>17</sup> and "In Defense of Band Aids," by Ed Loring.<sup>18</sup> An example of a persuasive-analysis type of writing exercise using these two readings is as follows:

To: Senior Partner  
From: Your name, Paralegal  
Re: Charity vs. Justice  
Date:

**Statement of Assignment:**

You have asked me to review two articles discussing Justice & Charity and report back to you in writing regarding my results. As you have explained to me during our meeting today, our client, Charities Corner, would like us to review the merits of both arguments and then present our firm's position on which viewpoint is the most valid.

**Discussion:**

In the articles, "The Limits of Charity" by David Hilfiker and "In Defense of Band-Aids" by Ed Loring, the authors present differing views on how society may implement justice and charity for its citizens.

**The Limits of Charity**

*(In this section fully discuss the strengths and weakness of the author's viewpoints. Did they provide enough examples and support for their arguments? Are these arguments valid, can they be achieved, etc.?)*

**In Defense of Band-Aids**

*(In this section fully discuss the strengths and weakness of the author's viewpoints. Did they provide enough examples and support for their arguments? Are these arguments valid, can they be achieved, etc.?)*

**Best Position/Viewpoint**

*(In this section, please state which position our firm should recommend to our client and why.)*

**Conclusion:**

For all of the reasons stated above [select name of author of article you choose] 's article entitled [insert name of article], presents the stronger of the two arguments/claims about the topic of Justice & Charity. Therefore, our firm should recommend that this article, due to the support provided, as well as ability to achieve the goals stated, presents the most valid position on the topic.

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## F. Flipping Places: Transforming the College Classroom into a Law Office

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## Flipping Roles: Transforming the Paralegal Student into a Senior Managing Paralegal

The above are just some examples of the possible creative legal writing assignments with facets of GenEd that are viable and will assist legal studies students in achieving not only the course objectives, but also provide them with skills needed in their future legal careers. As educators, we create challenging assignments to address a number of student learning goals and outcomes. We desire that our students think independently, but are also able to work collaboratively. We recognize that some, but not all of our students have prior law firm experience and so not all of our legal studies students have the ability to draw upon their practical or first-hand knowledge when completing legal writing assignments. A way in which a legal educator can effectively address this difference is to level the “classroom” playing field. The legal educator can provide engaging learning assignments that reflect and prepare legal studies students for real-life legal work experience through the technique of role-play and simulating a law office/ law firm experience in the classroom.



## G. Grade that Case Brief

In any legal course, a case brief assignment may be required and/or assigned to enable legal studies students to better understand and explain or interpret a complex legal issue. By changing the role and expectations of the legal studies students with such an assignment, it breathes new life into the traditional case brief exercise, generates more interest in this assignment, and results in sharp, clear legal writing in their future assignments. For example, the legal studies student may be given an assignment such as ‘*Grade that Brief*,’ in which they are designated as the Senior or Managing Paralegal. In this role, they are given two sample case briefs that were drafted by the newly-hired paralegals of our law firm. The student in the role of Senior or Managing Paralegal is asked to provide constructive feedback to the newly-hired paralegals. The case briefs disseminated by the instructor may provide two very different styles of writing, but both are excellently written case briefs. The instructor could also decide to use one well-written case brief and one problematic case brief.

The essential purpose of such an exercise, which applies GenEd concepts of comprehending, synthesizing, and explaining complex information in writing, is to allow legal studies students to view sample models of well-written case briefs and view those with common errors frequently made by legal studies students when briefing a case. This slight change in instruction to the typical case brief assignment, where the student is provided a judicial decision to read and then brief, yields a variety of benefits not normally realized from the traditional approach to briefing a case. It not only provides the legal studies students with an excellent model of a well-drafted case brief, but it exposes them to a variety of different case briefing styles<sup>19</sup>; allows them an opportunity to provide *constructive* feedback; requires them to justify and explain the reasons for their stated suggestions/feedback; may introduce them to

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another substantive area of law that is not part of their law curriculum; and allows them to undertake a managerial or supervisory role to inspire them to think about promotion and career advancement opportunities at work.

In essence, by first flipping their location, college classroom transforms into law office and then flipping their role, paralegal-student to Senior or Managing Paralegal, this case brief assignment provides the legal studies student with the ability to stand-in-the-shoes of the attorney and review work produced by a paralegal. This simulated law office experience together with their position or role at the law firm allows the legal studies student to better understand the need for clear, accurate, and precise legal writing and also what will be expected of them in practice. This is especially important when the attorney or senior or managing paralegal reviewing the case brief has not yet read the entire judicial decision upon which the case brief is based, and so, is relying on the paralegal's written case brief synopsis to inform them of the essential components of a judicial decision.

#### **H. Paralegals in Action in the Classroom**

Another opportunity in which role-playing may be implemented in a Legal Document Preparation course is to provide the legal studies students with an in-class opportunity to be a paralegal working in a law firm on a contract negotiation matter. The legal studies students work in pairs when possible or groups of three, at most, and are asked to actively participate in a contract negotiation exercise on behalf of a client. Acting as paralegals, they try to negotiate the best deal for their client after reviewing a short fact pattern detailing their client's requests. Each pair of paralegals receives two different fact patterns. After reviewing their respective client demands for this agreement, the paralegals work collaboratively to negotiate the terms and conditions of a contract and then, independently develop a draft of a contract which includes the terms they negotiated with the opposing paralegal.

When first introducing and preparing legal studies students for this contract negotiation assignment, the legal educator has the opportunity to discuss other relevant law-related issues, which in turn allows them to draw upon their legal and GenEd knowledge and skills acquired in previous courses or course work. For example, a review of the basic requirements of a contract would be appropriate since in a real legal environment, attorneys, not paralegals, will negotiate a contract on behalf of their clients. The legal educator could also enhance this contract negotiation assignment and make it more challenging by asking the legal studies student to draft an arbitration clause. Drafting this clause and terms beyond what the instructor required in the assignment could be used towards extra credit points or could be used as a contract negotiation exercise for an honors section of the same course.

#### **I. One Assignment May Fit All: Assessing Communication Skills**

Through this one contract negotiation exercise a variety of skills can be developed and assessed. First, oral communication skills fortified through GenEd are assessed when the legal studies students introduce themselves to the student-paralegal from the opposing counsel's firm. They generally state their name/title/position in the law firm or organization when they meet their paralegal-adversary. Second, there is reinforcement of reading comprehension skills and the application of knowledge. The legal studies students are required to read excerpts from the article, "Getting to Yes,"<sup>20</sup> as part of the contract negotiation assignment and then respond to questions posted on the Blackboard Discussion tab. Third, writing skills will be evaluated in the contract negotiation exercise. The legal studies students are asked to draft the initial contract terms and are also required to evaluate whether their approach to the negotiation would have been different had they read the article on negotiations and utilized the tips suggested by the authors prior to their actual negotiations with the

other paralegal. Practical benefits also gained from this contract negotiation exercise include the ability to work collaboratively, the promotion of independent thinking, and the flexibility in approach to problem solving so as to reach agreement. An example of the contract negotiation writing assignment is as follows:

#### RENTAL AGREEMENT<sup>21</sup>

Contract between Mildred and Harry Summers and Mindy Summers, dated \_\_\_\_\_.

Mildred and Harry Summers (the “Parents”) and Mindy Summers (the “Daughter”) agree to the following terms and conditions of their living arrangements.

*Duration*

*Rent*

*Food*

*Clothing & Mother’s Approval of Choice of Clothing*

*Electricity*

*Household Chores*

*Curfew*

*Allowance*

Other Terms you and your partner agreed to ... please add here.

*Arbitration Paragraph* (Perform some research and draft an arbitration paragraph. Remember this clause must match the arbitration clause in your partner’s contract).

Critique of your adversary, the opposing paralegal (provide a brief assessment of your opponent-paralegal, for example, did they properly introduce themselves as the paralegal in the firm and exhibit professionalism; did they actively participate in the negotiation exercise, were they reasonable in their demands or terms sought for their client)

Dated:

\_\_\_\_\_  
Mildred Summers

\_\_\_\_\_  
Harry Summers

\_\_\_\_\_  
Mindy Summers

## J. Persuasive Legal Writing in the Legal Specialty Course Legal Technology

Creative GenEd blended law writing assignments may be designed for legal specialty type courses such as Legal Technology. Assignments include preparing a memorandum which compares and contrasts existing websites of solo practitioners, medium-large size firms, and government agencies. Legal studies students will suggest what should be necessary features of a firm website by approaching this assignment from the perspective of a soon to be paralegal and also from the perspective of a consumer or end-user who views the website to consider which law firm or attorneys to hire or contact. During class lecture, the legal educator poses questions to provoke discussion and ideas to consider before the students analyze the websites.

These queries may include:

*What information contained on a legal website communicates trust to a client?*

*What aspects of the website may make a consumer or potential client contact the attorneys or instead, what aspects of the website may make them lose interest and click to the next law firm website?*

*Are video testimonials effective? Why or Why Not?*

*What is the value in posting pictures or biographies of the attorneys? Should they or shouldn't they? Why or Why not?*

Not only are the legal studies students drawing upon their knowledge and understanding of the legal environment, the practice of law, and are considering ethical implications, but they are also employing GenEd communication skills when assessing a digital environment, the law firm websites.

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A written assignment based on such website analysis may be crafted as follows:

To: Prof. Moran  
From: your name, as Information Technology Paralegal  
Re: Website Suggestions for start-up law firm  
Date:

### Statement of Assignment:

Attorney Bradley A. Turney has asked you to review the following four (4) websites: *Bonina & Bonina*,<sup>22</sup> *Kelley Kronenberg*,<sup>23</sup> *Weil, Gotshal & Manges*,<sup>24</sup> and *Kirkland & Ellis*,<sup>25</sup> and then respond in writing regarding which features of each website would be most useful and/or suitable for Mr. Turney's website. Keep in mind that at the present time, Mr. Turney's law firm consists of three (3) members, Bradley A. Turney, Esq., Ms. Mariolina Antonelli, an experienced senior/managing paralegal and you, the newly hired paralegal who recently graduated from CUNY, New York City College of Technology [insert the name of your college or university].

### Discussion:

#### a. Strengths of each firm's websites

#### b. Weaknesses of each firm's websites

(Under the above two point headings a-b, please write about the strengths and what you may consider weaknesses of the websites for each of the four law firm websites you are to review.)

#### c. Recommendation for our firm

(In this section of the memo discuss what aspects of the websites would be useful or should be incorporated in our firm's website.)

#### d. Original Ideas and Suggestions for Our Firm's Website

(For our new start-up firm what original or other information do you believe should be listed on our website that you have NOT seen on the law firm websites you were asked to review, but believe will benefit our firm; this information could be obtained from viewing another law firm's website, other than the four provided to you.)

(\*\*Please use paragraph format. Full and complete sentences only! No lists or no bullet points under the point headings a through d in the Discussion section of this memo.)

### K. Writing Social Media Policies & Procedures with a Focus on Ethics

This website analysis assignment may then lead to a discussion about the ethical concerns of social media use in the legal profession, in particular, and in society in general. A discussion about the ethical implications of social media in the legal profession may begin with a review of and discussion about your state bar association's social media guidelines or policies. For example, the New York State Bar Association Social Media Guidelines.<sup>26</sup> An article related to this topic could also be an assigned reading such as "Researching Jurors on the Internet."<sup>27</sup> Other similar writing assignments that may be crafted include requests from our corporate client seeking assistance in drafting sections of an employee handbook regarding the use of social media in the workplace or a request from a client to draft a social media policy for their business.

### L. View from the Bench: The Impact & Practical Effects of Judicial Decisions

Another innovative writing assignment in a Legal Technology course which allows the legal studies student to showcase their GenEd skills and their legal acumen is a memorandum on the topic of Inadvertant Disclosure. Drafting this assignment from the perspective of a judicial intern, the legal studies students must decide whether they should recommend that the judge use the *Automatic Waiver*,<sup>28</sup> *No Waiver*,<sup>29</sup> or the *Balancing Test*<sup>30</sup> approach in their determination of a matter. Their selection of one of these three methods is not as important as how they state or justify their choice and their explanation for why they did not choose the other options. This memo writing assignment demonstrates their ability to understand the problem, to apply legal standards, and to argue persuasively

for their choice of which standard the judge should adopt. It also allows the legal studies student to gain insight and a better appreciation of the considerations involved in judicial decision making. As legal educator-practitioners, we realize the importance of responding to the needs of different audiences or readers, whether reporting back in writing to a client, supervisor, adversary, or judge or court. The legal educator may use lecture time to reinforce the importance of knowing who your audience is when you begin to write. As a former federal law clerk,<sup>31</sup> I impress upon my legal studies students the importance of the *view from the bench*, when crafting written arguments in briefs and motions submitted to the court and/or when making or responding to oral arguments in court.

After the legal studies students submit the Judicial Viewpoint memorandum, the legal educator may choose to discuss the benefits and detriments of each of these standards and their impact as precedent<sup>32</sup> in future cases, if adopted by the court. An interesting discussion may ensue regarding the choice of the middle ground or opting for the ‘*Balancing Test*’ as the best standard. Legal studies students could debate the actual unfairness that this test may produce in practice, although at first blush and even by its name “*Balancing Test*,” it seems to appease the concerns of all parties involved and so, seems the most fair of the three standards.

An example of such an exercise is as follows:

*You are working this semester as a paralegal intern for a federal judge in the state of New York.*

Based on your reading of Chapter 2 in Tom Goldman’s *Technology in the Law* text<sup>33</sup> and reviewing the discussions regarding Work Product Doctrine, Evidentiary Privileges, Internal Investigations / Inadvertent Disclosure of Confidential Information, and the three (3) Judicial Views on handling inadvertent disclosure of confidential and privileged information (i.e. *Automatic Waiver*, *No Waiver*, and *Balancing Test*),

pages 35-37 (4<sup>th</sup> edition) 37-39 (3<sup>rd</sup> edition), please prepare a memo explaining which of the three views you recommend to your judge. (Please make sure to define the legal terms listed in Discussion sections a and b prior to your explanation as to why you chose the viewpoint that you did.)

To: Judge Ray Ipsir  
From: your name, as Paralegal Intern  
Re: Judicial Viewpoints: Inadvertent Disclosure of Confidential & Privileged Information  
Date:

### Statement of Assignment:

You have asked me to review the Work Product Doctrine, Evidentiary Privileges, and Internal Investigations / Inadvertent Disclosure of Confidential Information and report back in writing on each. In addition, I have reviewed the three (3) Judicial Views on handling inadvertent disclosure of confidential and privileged information i. *Automatic Waiver*, ii. *No Waiver*, and iii. *Balancing Test* and will recommend one of the viewpoints to the judge to use in cases that appear before him.

### Discussion

#### a. Relevant Ethical Rules/Doctrine and the Code of Professional Conduct

Work Product Doctrine  
Evidentiary Privileges  
Internal Investigations /Inadvertent Disclosure of Confidential Information

#### b. Judicial Viewpoints Defined and Explained

Automatic Waiver  
No Waiver  
Balancing Test

#### c. Judicial Viewpoint Recommended

#### d. Effect of Implementation of this Viewpoint

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## Concluding Thoughts

Studying law and learning how to write and speak persuasively are challenging endeavors for both the legal educator and legal studies student. By utilizing an alternative approach to legal writing and oral advocacy skills, all stakeholders, legal studies students, future clients, and legal educators, who are invested in legal education stand to benefit. The students of law benefit by applying and blending their GenEd skills and knowledge with their law-discipline specific skills and knowledge. They also benefit in terms of improved and enhanced writing, speaking, and interpersonal skills. The clients of the law firms and agencies where the legal studies students will be employed benefit in terms of improved legal services from paralegals, who through their GenEd and law undergraduate education have been exposed to connections across disciplines, enhancing their critical thinking skills, their communication skills, and their decision-making skills. The legal educators benefit in terms of robust and innovative thinking and problem-solving that will take place in their classrooms and the sharp, clear, accurate student writing skills reflected in their assignments.

Innovative legal writing assignments, engaging debate and class discussion exercises, transforming roles and places within the confines of the classroom, all are designed to spark and generate interest in the study of law and better equip the legal studies students with the skills needed for success in their legal careers. Clarence Darrow observed that “*Inside every lawyer is the wreck of a poet.*”<sup>34</sup> It is with this insight that I encourage you to find your inner poet and tap into your creative side. For your legal studies students’ educational experiences and your legal studies programs/departments will be all the richer for you having done so.

## BIOGRAPHY

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## ENDNOTES

<sup>1</sup>The Core Curriculum is the set of common courses required of all undergraduates and considered the necessary general education for students, irrespective of their choice in major. “The Core Curriculum.” *Columbia College*, [www.college.columbia.edu/core/core](http://www.college.columbia.edu/core/core). See also, “What Will They Learn? 2017-18.” A Survey of Core Requirements at our Nation’s Colleges and Universities, ACTA, [www.goacta.org/publications/what-will-they-learn-2017-18](http://www.goacta.org/publications/what-will-they-learn-2017-18).

<sup>2</sup> Core Courses. *Learn.org*, [learn.org/articles/What\\_are\\_the\\_Typical\\_Core\\_Undergraduate\\_Courses\\_for\\_All\\_College\\_Majors.html](http://learn.org/articles/What_are_the_Typical_Core_Undergraduate_Courses_for_All_College_Majors.html).

<sup>3</sup>*General Education Program*, [www.nicholls.edu/general-education/what-is-general-education/](http://www.nicholls.edu/general-education/what-is-general-education/).

<sup>4</sup>Cis. “Academics Menu.” *Academic Advising - General Education - City Tech*, [www.citytech.cuny.edu/advisement/gen-ed.aspx](http://www.citytech.cuny.edu/advisement/gen-ed.aspx).

<sup>5</sup>*Nicomachean Ethic. The Doctrine of the Mean : Chapters 1 to 12.*

<sup>6</sup>“The Socratic Method: What It Is and How to Use It in the Classroom.” *Teaching and Learning Theories* |

*Tomorrow’s Professor Postings*, [tomprof.stanford.edu/posting/810](http://tomprof.stanford.edu/posting/810).

<sup>7</sup> Socrates (470-399 BC) was a Greek philosopher who sought to get to the foundations of his students’ and colleagues’ views by asking a series of questions until a contradiction was exposed, thus proving the fallacy of the initial assumption. This became known as the Socratic Method, and may be Socrates’ most enduring contribution to philosophy. “The Socratic Method.” *The Socratic Method | University of Chicago Law School*, [www.law.uchicago.edu/socratic-method](http://www.law.uchicago.edu/socratic-method).

<sup>8</sup>*Ibid.*

- <sup>9</sup>Fenwick, Cody. "Read Abraham Lincoln's Letter To A Mother Who Lost 5 Sons In The Civil War." *White House, US Patch*, Patch, 19 Oct. 2017, patch.com/us/white-house/read-abraham-lincolns-letter-mother-who-lost-5-sons-civil-war.
- <sup>10</sup>"Lincoln's House Divided Speech." *Ushistory.org*, Independence Hall Association, www.ushistory.org/documents/housedivided.htm.
- <sup>11</sup>*Letter from a Birmingham Jail [King, Jr.]*, www.africa.upenn.edu/Articles\_Gen/Letter\_Birmingham.html.
- <sup>12</sup>Editors, History.com. "Declaration of Independence." *History.com*, A&E Television Networks, 27 Oct. 2009, www.history.com/topics/american-revolution/declaration-of-independence.
- <sup>13</sup>The famous line about "unalienable rights." is heavily influenced by the works of the English political philosopher John Locke. Theriault, Sawyer A. "John Locke and the Second Treatise on Government." *Inquiries Journal/Student Pulse* 1.10 (2009). <<http://www.inquiriesjournal.com/a?id=6>>
- <sup>14</sup>Matthew Wills. Who Wrote the Declaration of Independence? *Politics & Government*, 2 July 2016.
- <sup>15</sup>*The Internet Classics Archive | On Airs, Waters, and Places by Hippocrates*, classics.mit.edu/Sophocles/antigone.html.
- <sup>16</sup>Prof. Marissa Moran, LAW 2403 - Legal Document Preparation, Discussion Board Post, *Who Said it Better? You Be the Judge?*
- <sup>17</sup>David Hilfiker, *The Limits of Charity, The Other Side*, Vol. 36, No. 5, 1 Sept. 2000.
- <sup>18</sup>Ed Loring, "In Defense of Band-Aids," *Hospitality to the Homeless*, 101. Nov. 1988
- <sup>19</sup>"IRAC and CRRACC – CUNY School of Law." *CUNY School of Law*, [www.law.cuny.edu/legal-writing/students/irac-crracc/irac-crracc-1/](http://www.law.cuny.edu/legal-writing/students/irac-crracc/irac-crracc-1/). See also, New York City College of Technology, Law & Paralegal Studies Department Uniform Case Brief Format (Case Citation, Procedural History, Statement of Facts, Issue(s)/Question(s) Presented, Holding/Rule of Law, Reasoning/Rationale/Analysis, Disposition).
- <sup>20</sup>Fisher, Roger, Ury, William and Patton, Bruce. *Getting to Yes, Negotiating Agreement Without Giving In*, New York Penguin Books, 1983.
- <sup>21</sup>Quoted and adapted from: McEvoy, Sharlene A., *A Contract Writing Exercise*, *The Journal of Legal Studies Education*, vol. 14, no. 1, Winter/Spring 1996.
- <sup>22</sup>"New York Personal Injury and Malpractice Lawyers." *New York Medical Malpractice Attorneys | Brooklyn Personal Injury Lawyers*, medlaw1.com/.
- <sup>23</sup>*Kelley Kronenberg*, www.kelleykronenberg.com/.
- <sup>24</sup>*Philip Rosen - Weil, Gotshal & Manges LLP*, www.weil.com/new-york.
- <sup>25</sup>"Home." *Kirkland & Ellis LLP > Herlihy, Sarah P.*, www.kirkland.com/.
- <sup>26</sup>New York State Bar Association, *Social Media Ethics Guidelines*, Updated 11 May 2017.
- <sup>27</sup>Robert B. Gibson and Jesse D. Capell. *Researching Jurors on the Internet*.
- <sup>28</sup>Goldman, Thomas F. *Technology in the Law Office*. Pearson Education, Inc., 2016 (4<sup>th</sup> Edition). Automatic Waiver, 35. This view holds that once the confidentiality is breached, the privilege is automatically waived. There is nothing that will redeem the privilege, and therefore the documents may be used by the party that received them by accident.
- <sup>29</sup>*Ibid.*, 36 No Waiver. Under this view, the privilege is destroyed only when a client makes a knowing and voluntary waiver of the privilege. Therefore, the attorney's inadvertent disclosure does not constitute a waiver.
- <sup>30</sup>*Ibid.*, 36 Balancing Test. The courts using the balancing test look at several factors: (1) the nature of the methods taken to protect the information, (2) the efforts made to correct the error, (3) the extent of the disclosure, and (4) fairness. Remedies under this test range from unlimited use of the disclosed materials, to court-ordered return of documents, to disqualification of attorneys who have reviewed inadvertently disclosed privileged documents.
- <sup>31</sup>Marissa J. Moran former law clerk to Chief Judge Burton R. Lifland, Bankruptcy Court, Southern District of New York.
- <sup>32</sup>The Law Dictionary, *Black Law's Dictionary*, 2<sup>nd</sup> edition. Precedent. An adjudged case or decision of a court of justice, considered as furnishing an example or authority for an identical or similar case afterwards arising or a similar question of law.
- <sup>33</sup>Goldman, Thomas F. *Technology in the Law Office*. Pearson Education, Inc., 2016 (4<sup>th</sup> Edition).
- <sup>34</sup>"Machiavellian 'The Politics of Life' - Must-Read for Newbie Lawyers." *Law And More, Deconstructing What Happens in Law*.