

# Getting Real: Using live federal court files to design social justice briefing problems

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# Using Live Case Files

- Why social justice in legal writing?
- Why use a “messy” live case?
- Valid connection to learning objectives?
- How to choose a case?
- How to plan for the unexpected?



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# Legal Writing & Social Justice

- Law school social justice mission
  - Professional ethics
  - ABA criteria
  - Clinical legal theory



# Learning Objectives

- Working with facts and inferences
  - Cultural literacy / “listening” skills
  - Assumptions / biases
- Public policy reasoning skills
- Familiarity with litigation documents
- Social justice values: access / pro bono
- Affective: intrinsic & extrinsic motivation



# Choosing a Case: Ideas

1. Start with previous experience
  - Subject matter; familiar claims
  - Social history and/or culture
2. Explore recent legal news
  - Last 1-3 years
  - Trusted blogs / newsletters
3. Trouble spots
  - Need for administrative record (AR)
  - Sealed records



# Choosing a Case: Vetting

1. Stage of development
  - a. Dispositive motions
  - b. Appeal
2. Extent of previous briefing on this claim/issue
  - a. Vastly expand the minimal briefing
  - b. Add a new claim / issue
3. Quality of previous briefing
4. “Excerptability”



# Sharing with Students

- Downloading and distributing
- Introducing gradually and transparently
- Reviewing the docket
- Allowing student access to full file?
- Reviewing individual documents
  - Affidavits / Transcripts / Exhibits / Allegations
  - Past briefing & fact statements
- Student reactions

*Thank you!*

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