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?
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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