

University of San Francisco School of Law

International Advocacy & Research

Fall 2013 Course Syllabus — updated as of 8.19.2013

Professors Lee Ryan & Jessica Therkelsen

Sign up for the class web site via TWEN at lawschool.westlaw.com

About this class

Wherever you practice, you are bound to encounter issues involving public international law.

After you take this class, you will be able to use a range of general and specialized tools for international law research, writing, and advocacy. With those tools you'll be able to find reliable authorities that will help you analyze and enhance your understanding of complex international law issues. And once you have found and analyzed the key authorities, you'll be able to tailor effective legal arguments to decision-makers on behalf of your clients.

Instructors

Lee Ryan, JD, MLIS

Office Hours:

Mondays 3 pm – 5 pm

Thursdays 9 am – 11 am

Research Librarian
Zief Law Library, Office 103
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415.422.2253

Jessica Therkelsen, JD

Office Hours:

Tuesdays 2 pm – 3 pm

Global Policy Director, Asylum Access
Jessica.therkelsen@gmail.com
805.448.1398

Contacting us

Prof. Ryan

My standard workweek is Sunday – Thursday.

During the workday, I check my email every couple of hours. If you need to get in touch with me more urgently than that, please call my office number.

On my days off, I check email at most once per day. If you have an urgent matter on a Friday, check first with Prof. Therkelsen. She'll get in touch with me if necessary.

Prof. Therkelsen

My standard workweek is Monday – Friday.

During the workday, I check my email very frequently. If you need to get in touch with me more urgently, you may call me. I am most easily reached by phone between 1 pm and 5 pm, Monday-Friday

Suggested texts (on course reserve at Zief Law Library)

No text is required in this class. Each of the very few, short required readings is available via the class TWEN site.

The books on this list of suggested texts are helpful but not required, and are on course reserve for this class.

These one-volume treatises & study guides are an excellent place to start with major research questions.

Study guides / basic introductions:

David J. Bederman, *International Law Frameworks*, 3d ed. (2010)

Stephen C. McCaffrey, *Understanding International Law* (2006)

Thomas Buergenthal & Sean D. Murphy, *Public International Law in a Nutshell*, 4th ed. (2007)

Valerie Epps & Lorie Graham, *International Law: Examples and Explanations* (2011)

Dictionary: This dictionary is a great place to start when you need to know the meaning of an unfamiliar term.

John P. Grant and J. Craig Barker, eds., *Parry & Grant Encyclopaedic Dictionary of International Law*, 3d ed. (2009)

One-volume treatises:

James Crawford, *Brownlie's Principles of Public International Law*, 8th ed. (2012)

Andrew Clapham, ed., *Brierly's Law of Nations: An Introduction to the Role of International Law in International Relations* (2012)

Malcolm N. Shaw, *International Law*, 6th ed. (2008)

Antonio Cassese, *International Law*, 2d ed. (2005)

Alan Vaughan Lowe, *International Law* (2007)

Anthony Aust, *Handbook of International Law*, 2d ed. (2010)

Malcolm D. Evans, ed., *International Law*, 3d ed. (2010)

Gerhard von Glahn & James Larry Taulbee, *Law Among Nations: An Introduction to Public International Law*, 9th ed. (2010)

Lassa Oppenheim, *Oppenheim's International Law, Vol. 1. Peace*, 9th ed. (1997)

Peter Malanczuk, *Akehurst's Modern Introduction to International Law*, 7th rev. ed. (1997)

Research techniques: These texts on international legal research go into detail about the research techniques and sources we will cover in class.

Marci Hoffman & Mary Rumsey, *International and Foreign Legal Research: A Coursebook*, 2d ed. (2012)

Marci B. Hoffman & Robert C. Berring, *International Legal Research in a Nutshell* (2008)

A word about the workload for this class

The only way to become proficient in advocacy and research is to practice what you are learning in class.

For this class, that means that you should expect to spend a significant amount of time outside of class each week on such activities as: conducting and documenting research; writing advocacy documents; and preparing for in-class oral presentations. The upside is that there is no final examination.

Before you decide to take this class, be sure your fall schedule will allow you the time to spend on this class.

How your work in this course will be assessed

We will assess whether you will receive credit for the course based on: three out-of-class research and advocacy assignments; research exercises and worksheets; and in-class oral advocacy presentations.

The work you will do in this class will have the following weight:

- [40%] Assignment 3 — Major written advocacy document, including a detailed research log
- [20%] Assignment 3 — Oral presentations on Nov. 12 / 19 — based on the same topic as the major written advocacy document
- [10%] Assignment 1 (due Sept. 10)
- [10%] Assignment 2 (due Sept. 24)
- [20%] Participation in in-class spoken exercises and in- and out-of-class research exercises

Writing requirement option

Up to 3 students may use the final assignment for this class to satisfy their writing requirement, provided certain standards have been met. To satisfy the requirement, the written piece should show the student's mastery of the in-depth research undertaken and demonstrate how the student has organized, clarified, or advanced this body of knowledge in resolving the issues raised by the paper.

In addition, the professors of this course will be looking for evidence of deep analysis and rich use of a variety of sources of international law, including (but not limited to) treaties, customary law, court decisions, and respectable scholarship.

Minimum Criteria for Writing Requirement

1. Preparation of a paper used to satisfy the Upper Level Research and Writing Requirement must include the following steps:
 - a. Topic. For this class the topic will be provided.
 - b. Outline. After the topic has been approved, the student must submit a complete outline of the proposed paper which the supervising faculty member will review to provide necessary guidance on scope and/or direction.
 - c. First Draft. The student must submit a complete first draft of the paper, including footnotes, for review and comment by the supervising faculty member.
 - d. Final Draft. The student must submit a final draft of the paper, which is reasonably responsive to the comments, criticisms and suggestions received from the supervising faculty member.
2. The paper must exhibit substantial, careful and competent research, and it must demonstrate articulate, thoughtful, and well structured analysis of the subject matter.
 - a. The paper must be at least twenty-five pages in length, including footnotes. This assumes double spaced pages using a twelve (12) point Times Roman font with one inch margins all around.
 - b. The paper must include extensive footnotes. The footnotes must comply with either the ALWD or "Blue Book" citation system. The paper should rely on multiple sources and on primary authority. It may include empirical or other research in addition to more traditional legal research, provided the supervising faculty member approves of the project, and provided the overall tenor of the paper is legal.

Asking questions

We encourage you to ask us lots of questions about your assignments. Practicing attorneys quickly learn that it is almost impossible to complete an advocacy or research assignment without asking the assigning attorney or your client at least one or two clarifying questions. We do not believe in “hiding the ball” — if you ask us questions about any aspect of this class, including your out-of-class assignments, we promise you that we will answer them as fully and completely as possible.

Asking questions of either of us, or of any of the other research librarians at the Zief Law Library (Suzanne Mahwinney, John Shafer, Amy Wright, or Donna Williams) is also permitted under our policy on group work and collaboration. Please do not ask questions of other library staff, especially students working at the circulation and reserve desk — they do not have the background needed to help with international legal research projects.

Class Policies and Rules

For our policies and rules on attendance, submission of assignments; and group work and collaboration, see the separate “Class Policies & Rules” document appended to this syllabus.

Americans with Disabilities Act Accommodations

USF affords all students with disabilities equal access under the law. If you are in need of accommodation under the Americans with Disabilities Act (ADA) or similar enactment, you must contact the University Student Disability Services Office at (415) 422-2613 or sds@usfca.edu to obtain the appropriate accommodation.

Class Schedule and Assignments

Week 1 — Tuesday, August 20, course introduction

Before class: Complete the “First class assignment” — available on the course TWEN site.

In class: Introduction to the class; international advocacy basics (including which sources of international law you may and may not use); getting started with research

After class: 1. Read the following to prepare for class on August 27:

James Crawford, *Brownlie’s Principles of Public International Law*, 8th ed., Chapter 2 (“Sources of the International Law,” pages 20–47). This reading is in the “Readings and Course Materials” section of the class TWEN site.

After class: 2. Research exercise — secondary sources

Week 2 — Tuesday, August 27, research plans and useful secondary sources

In class: Formulating a research plan; using secondary sources (jurists/books; encyclopedias; law review articles); distinctions in authority between “jurists” and other authors.

Begin work on “International Law Basics” research worksheet.

After class: 1. Complete “International Law Basics” research worksheet. Bring to class on September 3.

2. Read the following to prepare for class on September 3:

David J. Bederman, *International Law Frameworks*, 3d ed., Chapter 3 (“Treaties,” pages 26–41). This reading is in the “Readings and Course Materials” section of the class TWEN site.

3. Download and bring to class the Vienna Convention on the Law of Treaties (“VCLT”). (The VCLT is in the “Readings and Course Materials” section of the class TWEN site.)

After class: 4. Research exercise — treaties

Week 3 — Tuesday, September 3, treaty research; IRAC for advocacy

In class: 1. Treaty research presentation & practice.

2. Outlining and IRAC methods for writing and advocacy.

After class: 1. Read the following to prepare for class on September 10:

James Crawford, *Brownlie’s Principles of Public International Law*, 8th ed., Chapter 32 (“Third-Party Settlement of International Disputes,” pages 718–743). This reading is in the “Readings and Course Materials” section of the class TWEN site.

2. Download and begin Assignment 1.

Assignment #1 Finding and using treaties to practice the IRAC method and prepare for a brief in-class oral exercise on September 17.

— **Available on TWEN today, 9/3, after class.**

— **Written portion due via TWEN submission on September 10.**

— **Oral portion will take place in class on September 17.**

Week 4 – Tuesday, September 10, international courts and tribunals

Due Today: Assignment 1 – Upload to TWEN

- In class:**
1. Researching court/tribunal decisions; using court/tribunal decisions in international legal advocacy;
 2. International law citation basics.

Week 5 – Tuesday, September 17, advocacy speaking skills

In class: Bring print out of Assignment 1 to class for use in exercises

Speaking skills workshop, including in-class speaking exercise based on work done as part of Assignment 1.

After class: Download and begin Assignment 2.

Assignment #2 Finding decisions of the ICJ/tribunals bearing on a discrete issue of international law.

– **Available on TWEN today, 9/17, after class**

– **Due September 24.**

Week 6 – Tuesday, September 24, introduction to customary international law

Due Today: Assignment 2

- In class:**
1. What is custom and how it is used in advocacy.
 2. Researching custom: getting started.

After class: 1. Read the following to prepare for class on October 1:

Antonio Cassese, *International Law*, 2d ed., Chapter 8 (“International Law-Creation: Custom,” pages 153–169). This reading is in the “Readings and Course Materials” section of the class TWEN site.

2. Download and begin Assignment 3

After class: 3. Research exercise – state practice

Assignment #3 Researching a substantive international law issue using the major research tools and sources of international law and: preparing an advocacy document; preparing a detailed log of your research; and making an oral advocacy presentation. (The final advocacy document will be 15 to 18 pages for students who have *not* elected the writing requirement option for this class.)

– **Available on TWEN today, 9/24, after class**

– **Outline for advocacy document due October 8.**

– **Preliminary research log due October 15.**

– **Draft advocacy document due October 22.**

– ***Final* written advocacy document and *final* research log due November 5.**

– **Oral portion will take place in class on November 12 and November 19.**

Week 7 — Tuesday, October 1, customary international law, continued

In class: Researching customary law: state practice

After class: 1. Prepare for October 8 in-class speaking exercise on the state practice element of custom. (You will use materials that you will have found during in-class research practice today.)

Week 8 — Tuesday, October 8, advocacy training day

Due Today: **Outline of advocacy document for Assignment 3 — Upload to TWEN and bring to class**

In class: 1. Opinio juris and soft law — uses in international law and policy advocacy
2. Written skills and final products; effective use of headings
3. Speaking skills exercise using results of research on state practice.

After class: 4. Research exercise — IGO documents

Week 9 — Tuesday, October 15, IGO documents (as part of researching custom)

Due Today: **Interim research log for Assignment 3 — Upload to TWEN**

In class: 1. Basics of researching IGO documents (especially U.N. General Assembly resolutions)
2. Group research work on topics related to assignment 3 (building on research reported in interim research log handed in today)

Week 10 — Tuesday, October 22, oral advocacy skills

Due Today: **Draft of advocacy document for Assignment 3 — Upload to TWEN and bring to class**

In class: In-class speaking exercises based on work completed on Assignment 3 to date.

Week 11 — Tuesday, October 29, research wrap-up

In class: Formulating research strategies — in class practice

Week 12 — Tuesday, November 5, advocacy practice

Due Today: **Final written advocacy document for Assignment 3 — upload to TWEN only**

In class: Practice oral advocacy presentations for November 12 and 19; group/peer feedback

After class: Prepare presentations for November 12 and November 19

Week 13 — Tuesday, November 12, presentations

In class: Presentations prepared as part of Assignment 3

Week 14 — Last Class — Tuesday, November 19, presentations, continued

In class: 1. Presentations prepared as part of Assignment 3, continued
2. Wrap-up and celebration.

University of San Francisco School of Law

International Advocacy & Research, Fall 2013

Course Policies & Rules

Professors Lee Ryan & Jessica Therkelsen

Why these policies and rules?

These policies and rules are designed: (1) to support your learning and the learning of your classmates; and (2) to help you continue to develop professional skills and values.

Attendance & class participation

Learning advocacy and research is a hands-on process, and the class sessions will involve substantial practice in both research and advocacy. We therefore expect students to attend all classes and participate in class activities.

You may be administratively withdrawn from this class if you have more than three absences.

If you are going to be unavoidably absent from a class, you must contact us before the class.

Assignment submission policy

Late submission of assignments

An essential professional skill for lawyers is the ability to meet deadlines, and in this class you will be expected complete all of your work on time.

The due dates for each assignment are clearly stated in the syllabus and and the specific times at which assignments are due will be stated clearly on the assignments themselves. Likewise, the mode of submission of the assignments will be clearly stated on the assignments themselves.

You must submit each assignment by the specified date and time for that assignment.

Your grade for, or the points allotted to you for, any late assignment will be reduced in proportion to the lateness of your submission.

Unacceptable excuses for late submission include, *but are not limited to*, the following.

- Deadlines or workloads in other classes.
- Deadlines or workloads in paid jobs or unpaid internships or externships.
- Technical difficulties on TWEN.

If we ask you to submit an assignment via TWEN, leave time to work through any technical difficulties (including time to call TWEN's customer-support number). If, and only if, TWEN is having a verified outage, you may submit your assignment via email to either or both of us. In that case, you must still send the email and attachment before the due date and time.

- Accidental (or otherwise) submission of a blank, garbled, incomplete, or corrupted document — or of the wrong document — via TWEN, email, or any other means.

We will not consider your assignment to have been submitted until you submit the correct, complete, readable document.

Extensions

The only acceptable reasons for extensions are serious illnesses or family emergencies. Please do not ask for an extension unless you are ill or experiencing a family emergency. Requests for extensions should be made before the due date, if possible.

Policy on group work and collaboration

We encourage you to collaborate fully on in-class exercises.

On the out-of-class assignments, you may collaborate only to the extent described in the in the assignment itself. Any other collaboration on out-of-class assignments may be a violation of the USF Honor Code, and may result in your receiving no credit for the assignment.

As stated in the syllabus, asking questions of either of the instructors or of any of the other Zief research librarians (Suzanne Mawhinney, John Shafer, Amy Wright, or Donna Williams) is permitted at any time, with any assignment or exercise.