

Political Science 292

Writing Assignments

Writing Assignment 1: Your supervising attorney has just met with a client and has asked for a memorandum explaining the statutory and case law pertaining to their problem. The client's father just passed away in Illinois. The client is his only child and would inherit under the Will and laws of intestacy. The father was not married. However, the father had a checking account that was designated joint tenancy with right of survivorship with the person that he was living with. All of the funds that were ever deposited into the account came from the father's pension. All expenditures by either party were to pay for the father's necessities. The other person on the account withdrew all of the remaining funds after the father died. Is there any legal basis to pursue the money on behalf of the father's estate or the client?

Writing Assignment 2: Your client owns a piece of land in Illinois upon which she wants to build a restaurant and adjoining parking lot. While clearing the land of trees and brush, the client discovered a cemetery. As best as can be determined this was a family cemetery in which no one has been buried in at least 75 years. No descendants of anyone in the family can be found even after the appropriate notices in the local newspapers. A prior attorney filed a Declaratory Judgment on your client's behalf to determine if it was legal for your client to build over the cemetery land. The Trial Court said no, and your client has hired you to file a Brief with the Court of Appeals in the Fifth District of Illinois. Your Brief should explain the law that would allow your client to build upon the land and what steps your client would have to take to satisfy the law. Assume all of the facts above were agreed to by the parties to the suit making the issue(s) purely a matter of law. (Which means, you do not need to know the arguments made below, and the trial judge's reasoning is irrelevant because this is *de novo* review.) Be sure to specify who those parties *must* be under the law. Assume that each has been made a party to the suit.

Writing Assignment 3: Assume that it is April 9, 1999. The Court of Appeals has issued a ruling in your case: *Marriage of Takata, In re*, 709 N.E.2d 715, 304 Ill.App.3d 85 (2nd Dist., 1999). You represent Ms. Takata. Write a letter explaining the outcome of the case, the possible next steps, and any deadlines associated with those next steps. Use the Current Supreme Court Rules (do NOT try to figure out what the Supreme Court Rules were on April 9, 1999). You should not be looking up any substantive law other than this case. You should be looking up (and explaining) the relevant procedural Rules that explain the possible next steps.