

Legal Writing I

Tentative Syllabus (8/8/22)

Law 5792; 25109

Monday, Wednesday 3:30 p.m. to 4:25 p.m. HH285D

2 Credit Hours; Fall 2022

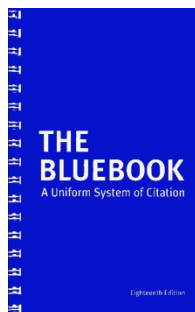
Instructor: Ben L. Fernandez
312I Holland Hall
352 273 0937

Office Hours: Monday, Wednesday
12:00 to 3:00 pm in Person
And by Appointment in Person or Online

I. Course Materials



A Lawyer Writes: A Practical Guide to Legal Analysis by Christine Coughlin, Joan Malmud Rocklin and Sandy Patrick.



The Bluebook: A Uniform System of Citation (21st ed.)



McKinney and Rose, Core Grammar for Lawyers (Online)

**LEXISNEXIS® INTERACTIVE
CITATION WORKSTATION**

LexisNexis, Interactive Citation Workstations (Online: see instructions below; included in your LexisNexis subscription)

We will use asynchronous learning tools during the semester, including but not necessarily limited to Core Grammar for Lawyers, Fourth Edition, and the Lexis/Nexis Interactive Citation Workstations (ICWs).

Core Grammar: To pass the class, you must satisfactorily complete the Core Grammar pre-test and every module for which you do not “test out” in the pre-test. Please note that Core Grammar has a post-test as well; you will be required to complete that post-test with a minimum score of 85.

How to get Core Grammar:

1. Go to <http://coregrammar.com/getcgl> in your browser.
2. Complete the form and be sure to select "FL" for your state and "University of Florida - F. G. Levin College of Law" for your school.
3. On the payment page, enter "UFLL2021" in to the Access Code field. Your discounted price will appear immediately. You need to purchase a one-year subscription.
4. Enter your credit card information below, verify the purchase, and continue on to create your Core Grammar for Lawyers account.
5. To activate your subscription, enter this exact Class Code (which is unique for our section): _____.
6. You will be able to start using CGL immediately. However, before we meet for Week 2 of classes, you must take the Pre-Test (available on a link from the home page or “Bookshelf”).
7. The points available to you for completing Core Grammar in a satisfactory manner are provided in a later section of this syllabus.

Interactive Citation Workstations (ICWs):

In addition, you are assigned four ICW exercises, which are designed to help you learn proper Bluebook citation style. This is standard American legal citation, but beware: each state's court system has its own rules for citation as well, which are not covered in the ICWs. For that reason, you will complete the ICWs as well as have a few in-class lessons, and a "quick-reference" sheet, to familiarize you with Florida's rules. Points awarded for completing ICWs are found in a later section of this syllabus.

I would also recommend that you purchase Black's Law Dictionary.

II. Course Method

- A. Weekly Assignments. The Legal Writing course requires the completion outside of class of many short and medium-length writing assignments and occasionally the completion of short in-class projects and on-line quizzes.
- B. Office Conferences. Office conferences are encouraged. I will be more than happy to meet with you in individual meetings throughout the semester to discuss your work or the course material.
- C. Grade Calculation.

Class exercises, homework assignments, quizzes,

class participation and attendance

25% of Grade

Final Project

75% of Grade

III. School Policies



1. Attendance

"Attendance will be taken at each class meeting. Students are allowed two absences during the course of the semester. Students are

responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).”

2. Exam Delays and Accommodations

- a. “The law school policy on exam delays and accommodations can be found [here](#).”
- b. “Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the Disability Resource Center. Click [here](#) to get started with the Disability Resource Center. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester.”

3. UF Law grading policies.

“This course follows the Levin College of Law’s grading policies found [here](#). The below chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent
A	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C	2.0
C-	1.67
D+	1.33

D	1.0
D-	0.67
E (Failure)	0.0

4. **Online course evaluation process.**

“Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](#).”

5. **Course workload and class preparation.**

“Students should expect to spend at least two hours outside of class reading and preparing for every hour of class.”

6. **Class recording.**

“Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field

trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.”

7. **Class demeanor expected by the professor (arriving late to class, cell phones, other disruptive behavior, etc.)**

“Please do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.”

8. **Academic honesty.**

“Academic honesty and integrity are fundamental values of the University community. Students should understand the UF Student Honor Code located [here](#).”

9. **Health and Wellness Resources:**

- *U Matter, We Care:* If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.
- *Counseling and Wellness Center:* [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.

- *Student Health Care Center:* Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).
- *University Police Department:* [Visit UF Police Department website](#) or call 352-392-1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center:* For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#).

10. **Basic needs assistance.**

“Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.”

11. **Preferred names and pronouns.**

“It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise. I would like to acknowledge your preferred name, and pronouns that reflect your identity. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name. I welcome you to the class and look forward to a rewarding learning adventure together.

You may also change your “Display Name” in Canvas. Canvas uses the “Display Name” as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as “Ally” instead of “Allison.” To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select “Directory Profile.” Click “Edit” on the right of the name panel, uncheck “Use my legal name” under “Display Name,” update how you wish your name to be displayed, and click “Submit” at the bottom. This change may take up to 24 hours to

appear in Canvas. This does not change your legal name for official UF records.”

12. Discourse, inclusion, and classroom ethos.

“As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions.

As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values and assumptions
- speak honestly, thoughtfully, and respectfully
- listen carefully and respectfully
- reserve the right to change our mind and allow for others to do the same
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers

As part of my commitment to teaching and serving the diverse UF Law community, I have signed the UF Law Anti-Racism Resolution (if applicable).”

IV. Course Objectives and Student Learning Outcomes.

In this course, students will work from a portfolio of simulated fact patterns and applicable statutes, rules, and case law to prepare a variety of legal documents. After completing this course, students should be able to:

. Demonstrate an understanding of the U.S. legal system and how lawyers use law to

resolve legal problems:

. Apply ethical and professional standards in crafting your written work;

- Identify legal issues affecting a client's situation;
- Review facts and evaluate their relevance to a client's legal situation;
- Analyze, interpret, and use statutes and case law to construct legal arguments;
- Apply legal rules to relevant client facts, analogizing and distinguishing precedent;
- Write an analysis of a legal issue predicting its outcome;
- Use effective organizational techniques;
- Write effective topic sentences, transitions, and paragraphs;
- Write precisely, clearly, and concisely;
- Use good grammar, syntax, punctuation, and document format;
- Use legal citation correctly; and
- Revise, edit, and proofread your legal writing.

It is anticipated that you will spend approximately 2 hours out of class reading and preparing for in class assignments for every 1 hour in class.

COURSE SCHEDULE

Class	Assigned Reading (Due Before Class)	Assigned Writing (Due Before Class)	Class Discussion
8.22	Read Chapter 1, Finding Your Argument		Introduction, Legal Memoranda
24	Read Chapter 2, Sources and Systems of the Law	<u>Complete Core Grammar for Lawyers Pre-Test due 8/28</u>	Sources of Law, Primary and Secondary, Stare Decisis, Supremacy, Hierarchy, Jurisdiction

29	Read Chapters 3, 3.2, Reading for Comprehension	Complete Case Brief, Upload to Canvas, <u>Complete Case Illustration due 9/7</u>	Reading and Briefing a Case, Illustrating a Case
31	Read Chapters 3.1, 11, Statutory Analysis	Complete Statutory Outline, Upload to Canvas	Reading a Statute, Determining a Statutory Formula
9.5			Labor Day Holiday No Class
7	Chapters 4 & 5, Finding Your Argument	Complete Rule Elements Chart	Identify the Rule, Marshal Facts, Analogize Facts
12	Read Chapters 6 & 7, Explaining the Law, IREAC	Complete Case Explanation, Upload to Canvas	IRAC / IREAC, Issue, Rule and Case Explanation
14	Read Chapters 8, 9, Applying the Law and Concluding	Complete Case Application, Upload to Canvas	Applying the Law and Concluding
19	Read Bluebook, pages 1-27, Florida Rule of Appellate Procedure 9.800	Interactive Citation Workstation #1 and #2	Citation
21	Read Chapter 12, Discussion Section	<u>Complete Discussion Section for First Legal Memo due 9/23, Attend Moot Court Final Four on 9/23</u>	Discussion Section
26		<u>Complete all Core Grammar for Lawyers Modules and Post Test (85% min score) due 10/2</u>	Live Feedback Conferences

28			Live Feedback Conferences
10.3		Outline Statute, Brief Cases for Memorandum	Discuss Statute and Cases
5		Outline Discussion for Legal Memorandum	Discussion
10	Read Chapter 10, Policy	<u>Interactive Citation Workstation #3 and #5 due 10/10</u>	Discuss Policy and Citation (cont.)
12	Read Chapter 13, Question Presented and Brief Answer	Draft Question Presented and Brief Answer, Upload to Canvas	Discuss Question Presented and Brief Answer
17	Read Chapter 14 and 15, Statement of Facts and Conclusion	Draft Statement of Facts ad Conclusion, Upload to Canvas	Discuss Statement of Facts and Conclusion
19	Read Chapters 11 and 12, Introduction and Point Headings	Draft Introduction and Point Headings, Upload to Canvas	Discuss Introduction and Point Headings
24	Read Chapter 16, Editing & Polishing	<u>Finalize Memorandum, Upload to Canvas due 10/26</u>	Discuss Editing and Polishing
26			Live Feedback Conferences
31		<u>Interactive Citation Workstation #9 due 10/31</u>	Live Feedback Conferences

11.2	Read Chapter 17, Client Letters	Draft Client Letter, Upload to Canvas	Client Letters
7	Read Chapter 18, Professional Emails and Texting	Draft Client Email and Client Text, Upload to Canvas	Client Emails
9		Complete Course Evaluations, Review for Final Exam	Review for Final Exam, <u>Final Exam Distributed 11/11</u>
14		Outlining and Exam Preparation	
16			Watch Video Presentation, <u>Final Exam Due 11/20</u>
21		Summer Job Tips, Law Firm Survival	