

## LEGAL WRITING II:

LAW 5793, SEC. 29938

2 CREDIT HOURS

SPRING 2022

HOLLAND HALL 355D

MONDAYS AND WEDNESDAYS: 3:30PM – 4:55PM

Professor Rachael Jones

Email: [jones@law.ufl.edu](mailto:jones@law.ufl.edu)

Office Phone: 352-273-0956

Office Location: Holland 368D

### OFFICE HOURS:

My office hours are **Mondays from 12:00 to 2:00pm, Tuesdays and Wednesdays from 5:00pm to 6:00pm, and by appointment.** I will hold extended office hours during the weeks before assignments are due. This will ensure that all students wanting to meet can do so. Please refer to the Canvas page for further information regarding office hours.

Please keep in touch with me! I try to respond to emails quickly. Please contact me if you have any questions regarding the course or a specific assignment.

**COURSE WEBSITE:** <http://elearning.ufl.edu/> You are responsible for reviewing the page for course updates and for accessing course content.

### REQUIRED TEXT:

Coughlin, Rocklin, and Patrick, *An Advocate Persuades* (1st ed.)

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

## COURSE OVERVIEW:

### COURSE DESCRIPTION:

Legal Writing II is the second half of a two-part course, both required for graduation. This course includes emphasis on written legal analysis and preparation of predictive legal writing for fellow attorneys and clients.

### COURSE OBJECTIVE AND GOALS:

The primary objective of this course is for you to learn how to construct a thorough legal argument and express it effectively and persuasively in writing. An additional objective is for you to learn how to perform effectively in presenting oral argument in support of your legal position. Finally, you will further refine your research strategies.

Upon completion of this course, you should be able to:

- Find and use the fundamental sources of U.S. legal research, including constitutions and statutes, cases and digests, secondary sources, administrative law, and legislative history.
- Develop research strategies for using sources for maximum speed and accuracy.
- Continue practicing how to research, analyze, and write about legal issues under time constraints.
- Demonstrate increasing levels of citation literacy: the ability both to read legal citations and to write them with appropriate placement and style.
- Apply a lawyer's ethical and professional standards in the context of written and oral advocacy.
- Frame a legal issue to persuade a court to rule in your favor.
- Demonstrate ability to engage in effective legal analysis and advocacy through, for example, constructing persuasive rules, effectively employing analogical reasoning, strategically applying law to fact utilizing policy arguments and selecting a persuasive and logical organizational structure.
- Demonstrate an ability to effectively communicate that legal analysis in a polished, readable, and appropriately concise written product, including motion memos and appellate briefs.
- Demonstrate a fundamental understanding the trial process, including the filing of trial motions.
- Demonstrate an understanding of the basic appellate process and fundamental appellate concepts, including the decision to appeal.
- Edit and proofread persuasive legal documents.
- Present legal arguments, and answer questions effectively, in meetings or simulated hearings.

- Prepare and effectively present an oral argument in support of your legal position in a simulated appellate oral argument.

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 EVALUATIONS:**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can 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 at <https://gatorevals.aa.ufl.edu/public-results/>.

### **COURSE POLICIES:**

#### **ATTENDANCE POLICY:**

You are required to attend class weekly. Your teaching assistants will take roll during each class period. You are permitted to miss two (2) class periods without penalty. **Missing more than two (2) class periods may result in a reduction of your final grade. Missing more than six (6) classes will result in a failing grade in the course.**

Excessive tardiness will also result in a grade penalty.

#### **QUIZ/EXAM POLICY:**

There may be “pop quizzes” over the course of the semester. These scores will be considered as part of your participation grade.

#### **GROUP WORK AND ASSIGNMENT POLICIES:**

During the semester, our class will be divided into small groups of approximately seven students working with one teaching assistant. We will use these groups for in-class

activities including writing labs, case discussions, peer review, and other in-class exercises. Your teaching assistant will also assist out of class with assignments. I encourage you to get to know your TA and speak with him or her regularly.

### ***Class Participation***

Participation grades are based on class preparation, class participation (both online and in person), successful completion of all assignments, and active participation in small group discussions.

### ***Late Policy***

Late assignments **will result in your grade will be lowered by one grade increment per day**. An assignment will **not** be accepted if it is more than three (3) days late.

For writing assignments other than the final project, if you have an extraordinary circumstance outside of your control, please contact me in advance of the deadline or, if the emergency prevents you from doing so, as soon as possible thereafter. Contacting me does not guarantee a particular result. Computer and electronic platform problems, internet connectivity issues, car trouble, traffic, and the like should be foreseen by you. Please plan your time accordingly. To maintain anonymity in the grading process, any such requests related to the final project should be made to Student Affairs, not to me.

### ***Professionalism***

I will run our classroom like a Courtroom Chambers. Students are the new “associates”; TAs are the Law Clerks; and I am the Judge. I expect professionalism at all times. Each assignment is important, and I expect you to write, revise, proofread, and then proofread again.

### ***Plagiarism***

All work in this class must be your own. You may discuss cases and ideas; however, you may **only** show your written work product only to your TA and to me.

Plagiarism is a very serious offense. It is also an honor code violation. The university maintains a robust policy on plagiarism, which is details what constitutes plagiarism in your student handbook. Ignorance of the policies is not a defense to a charge of plagiarism.

Sources must be acknowledged, not only when you quote their text, but also when you paraphrase. (Citing the original source when you paraphrase not only avoids plagiarism,

but also gives your position more credence by showing that someone else has supported your view.)

Direct quotes must be indicated by quotation marks, and the source should be cited immediately after the quoted passage or at the conclusion of the sentence in which the quoted passage appears. What is within the quotation marks should correspond exactly with the original; any changes should be indicated by square brackets ([ ]), and any omissions should be indicated by an ellipsis (. . .). Be sure you specifically double-check the accuracy of all quotations against the original sources.

When you cite to a case you are representing that the court opinion supports the proposition you have asserted. The headnotes and syllabus of a case are not part of the court opinion, and if you cite to or quote from them, you betray a fundamental ignorance of what constitutes case law precedent. Never cite to or quote from the headnotes or syllabus of a case.

### ***Proofreading***

Careless errors undermine your credibility. Excessive typographical, spelling, format, grammatical, or citation errors may cause a paper to be deemed unsatisfactory, regardless of its substantive merit. Proofreading is essential. Merely proofreading for typographical errors, however, will not reveal inaccuracies in your pinpoint citations. Therefore, you should specifically double-check the accuracy of your pinpoint citations against the original sources.

### ***Formatting Requirements for Writing Assignments***

You must format your assignments correctly. All assignments (except the Final Project) are to be submitted electronically via the course Canvas website, in Word format. In addition to any formatting requirements specific to an assignment, documents should conform to the following: the right margin should not be justified, page numbers should be located at the bottom center of each page except the first (which should have no page number), and the text should be double-spaced, except for the headings (which should be single-spaced). You must use Times New Roman font.

### **RECORDING POLICY:**

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.

### **COVID-19 POLICY:**

You are required to follow the policies and requirements set forth by the University of Florida with respect to COVID-19. These policies are subject to change from time to time. Please refer to <https://coronavirus.ufl.edu/university-updates> for the latest guidelines. Following and enforcing these policies and requirements are all our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution and removal from the course.

### **COMPUTER POLICY:**

Electronic devices (laptops, tablets, cell phones) must remain stowed away during class time. Please plan to take notes with paper and pen or pencil. However, we will be using computers in class frequently, so do plan to have it available.

### **ZOOM POLICY:**

Please comply with the following during Zoom sessions:

- Cameras are required to remain ON during the entire session.

- Use the “Raised Hand” button under the Chat icon to ask questions during a session.
- Please dress appropriately—as you would during an in-person class—during Zoom sessions.

## **DISCOURSE, INCLUSION, AND THE 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. 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 personal and professional identities, I encourage each of us to:

- commit to self-examination of our values and assumptions
- speak honestly, thoughtfully, and respectfully
- give feedback thoughtfully
- 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

## **PREFERRED NAME/PRONOUNS:**

It is important to the learning environment of the class that each of you feel welcome. I would like to call you by your preferred name and pronouns. You will have the opportunity to share your preferred name and pronouns on the information sheet (assignment for the first day) and to say your preferred name/pronouns in your introductory flip grid video (assignment for the first day).

If your preferred name is not the name used in our UF records, you may change your “Display Name” in Canvas. To update your display name, go to [one.ufl.edu](https://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," enter the name you would like displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. Changing your display name will not change your legal name for official UF records.

## UF POLICIES:

**UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES:** Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

**UNIVERSITY POLICY ON ACADEMIC MISCONDUCT:** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**NETIQUETTE: COMMUNICATION COURTESY:** All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats.

## GETTING HELP:

Resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Should you have any complaints with your experience in this course please visit <http://www.distance.ufl.edu/student-complaints> to submit a complaint.

Please note that UF Law respects students' [observance of religious holidays](#).

Please review this syllabus considering any known religious holy days you observe. If a holy day that you observe conflicts with one of our classes or an assignment deadline, please notify me as early as possible in the semester so that I can accommodate you. You will be excused from class or other scheduled academic activity to observe a religious holy day of your faith and will be permitted a reasonable amount of time to make up the material or activities covered in your absence. You will not be penalized due to absence from class or other scheduled academic activity because of religious observances.



## GRADING/COURSE POLICIES:

**40%** Timely and successful completion of Writing Assignments, Core Grammar for Lawyers, assigned ICW activities, and participation

**10%** Participation (Attendance, Class Engagement, Class activities, etc.)

**50%** Final Exam (Final Writing Assignment)

The law school policy on exam delays and accommodations can be found [here](#).

### GRADING SCALE:

Grades are recorded permanently by the Office of the University Registrar. The grade point average (GPA) is determined by computing the ratio of grade points of semester hours of work attempted in courses in which letter grades are assigned. Students receive grade points according to the following scale:

Grade	Points
A (Excellent)	4.0
A-	3.67
B+	3.33
B (Good)	3.0
B-	2.67
C +	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

***No conferences will be held within the 24 hours prior to an assignment due date. This rule applies to conferences with both your TA and me.***

## COURSE SCHEDULE:

Disclaimer: **\*\*\*Assignments and Course Schedule (subject to change)\*\*\***

This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.

DATE	SUBJECT MATTER & CLASS ASSIGNMENTS	ASSIGNMENT DUE
Tuesday, January 17	Overview of Persuasive Writing and review of jurisdiction  Read Chapters 1, 2, 3, and 8	
Thursday, January 19	Read Chapters 4, 10, and Appendices B and C (Sample Trial Memos)  Intro to WA #1 in class  Read and review case bank; begin case charts	
Tuesday, January 24	Read Chapter 6 and Materials on Canvas  Chart WA#1 Cases in class	
Thursday, January 26	Read Chapters 6, 7.1, and 12  Theme and Persuasive Statement of Facts	
Tuesday, January 31	Read Chapter 7  Review SoF and Theme  Discuss Point Headings and argument organization	
Thursday, February 2	Read Chapter 8.1 and 8.2	

	<p>In class point headings activity</p> <p>Review case illustrations and use in persuasive writing</p> <p><i>Homework:</i> Draft R and E for Trial Motion (WA#1)</p>	
Tuesday, February 7	<p>Read Chapter 8 and 9</p> <p>Persuasive Arguments and Counterarguments.</p> <p>Review “A” in CrEAC.</p> <p><i>Homework:</i> Begin draft of Application section for WA#1</p>	
Thursday, February 9	<p>In-class activity for argument application</p> <p>Work on Application section for WA #1</p>	
<b>FRIDAY, FEBRUARY 10</b>	<p>Maguire Moot Court Competition</p> <p>Discussion post on competition</p>	
<b>FRIDAY, FEBRUARY 10</b>	<p>Joint Class w/ M-W section.</p> <p>Q&amp;A for Trial Memo</p>	
Tuesday, February 14	<p>Read Chapter 13.1 and 13.2</p> <p>Discuss editing for persuasive writing</p> <p>Review citations and quotations.</p>	
Thursday, February 16	<p>Read Chapter 13.2, 13.3, 13.4, 13.5</p> <p>Discuss Grammar and</p>	

	Proofreading	
Saturday, February 18		<b><u>Writing Assignment #1</u></b> <b><u>Due at 11:59pm</u></b>
Tuesday, February 21 <i>**Asynchronous</i>	Introduction to the Appellate Argument  Read Chapter 5  Read Supplemental Materials on Canvas.	See Canvas for any assignments
Thursday, February 23 <i>**Asynchronous</i>	Read Appendix C  Read Supplemental Materials on Canvas  ICW 16  <i>Homework:</i> Draft SoF	See Canvas for any assignments
Tuesday, February 28 <i>*Mini-Oral Argument Sessions w/TAs this week</i>	Review Standard of Review Research  Discuss the shift to appellate writing; review Theme, SoF, QP, BA, jurisdictional statement, etc.  <i>Homework:</i> Draft QP and BA	
Thursday, March 2 <i>*Mini-Oral Argument Sessions w/TAs this week</i>	Review Chapters 7, 12, and 13 p. 291-92  In-class review of SoF, QP/BA, Standard of Review.	
Tuesday, March 7	No Class—Individual Writing Conferences w/Prof. Jones	
Thursday, March 9	Asynchronous Class Assignment in Canvas: Listen to Oral Argument on a Title	

	VII case and draft a response/reflection essay.  Individual Writing Conferences w/Prof. Jones	
<b>March 13-17</b>	<b>SPRING BREAK</b>	
Tuesday, March 21	Read Chapter 14 and materials on Canvas  Discuss outlining and summary of argument; OA Q&A	
Thursday, March 23	Discuss common issues in Oral Arguments	
Tuesday, March 28	Appellate Brief Q&A  Class Time as Draft Time	<b>**ORAL ARGUMENTS**</b>
Thursday, March 30	Appellate Brief Q&A  Class Time as Draft Time	<b>**ORAL ARGUMENTS**</b>
Saturday, April 1	No Joke!	<b><u>Writing Assignment #2 (Appellate Brief) Due at 11:59pm</u></b>
Tuesday, April 4	Oral Argument De-brief  Course Evaluations  ICWs 6, 7, 12, and 13	
Thursday, April 6	In-class exercise  Review Research Project	
Tuesday, April 11	TBD	
Thursday, April 13	Research De-Brief; Re-focus on Trial Memos; Final Project Tips	

Sunday, April 16	FINAL PROJECT DROPS	
Tuesday, April 18	NO CLASS; Draft time for Final Project	
Thursday, April 20	NO CLASS; Draft time for Final Project	
<b><u>SUNDAY, APRIL 23</u></b>		<b><u>FINAL PROJECT DUE</u></b>
Monday, April 24	<b><u>LAST CLASS/MAKE UP</u></b>	*Joint w/M-W group