

LEGAL WRITING II:

LAW 5793, SEC. 27561

3 CREDIT HOURS

SPRING 2023

HOLLAND HALL 285D

TUESDAYS AND THURSDAYS 3:30PM – 4:55PM

Professor Rachael Jones

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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. You are always free to email questions to me via jones@law.ufl.edu.

Please note that office hours and other conferences will **not** be held (with your TA or me) within the 24 hours prior to an assignment due date. In addition, once you receive your final exam materials, you will not be able to meet with me or with your TA until you have submitted your exam.

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

REQUIRED TEXT:

Rocklin, Rocklin, Coughlin, and Patrick, *An Advocate Persuades* (2d ed.) (2022)

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

Supplemental materials and case files posted on the course Canvas website.

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 outside 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. Remember that punctuality is part of professionalism.

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. If you turn in your final exam late (according to the exam software or Student Affairs), your grade for the final exam will be lowered by 20% per day (24-hour period from the time the final exam is due). The final exam will not be accepted if it is submitted more than three 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.

In the event you do have technical difficulties uploading an assignment, you must email me immediately. Time stamps matter. If you contact me after a deadline citing computer issues but did not contact me when it happened prior to the deadline, your assignment will be deemed late.

Professionalism

As a future lawyer, you must be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. I encourage you to speak thoughtfully, listen carefully, and commit to examining your own values and assumptions. All students have the right to be treated with respect by their instructors and classmates.

I will run our classroom like a Courtroom Chambers. Students are the new “court attorneys”; 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, revise, 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 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.

Work Product

Your written work product may be shown *only to me and to your TA*, unless I expressly authorized otherwise; for example, I may authorize you to share your work product with a particular student for purposes of completing a peer review. Unauthorized collaboration on writing assignments (with anyone—UF Law affiliated or not) is a UF Law Honor Code violation. In addition, giving

your work to another student violates the collaboration policy as much as taking work from another student does.

Additional restriction regarding the final project: Once the final project is released, you may not discuss *any* aspect of the project with anyone except Dean Inman, Dean Mitchell, or other Student Affairs personnel responsible for the scheduling and integrity of the law school's final projects. If a problem arises during the final project period, to maintain anonymity in the grading process, please reach out to Student Affairs, not to me.

Unless I instruct otherwise as to a specific assignment, you may not use AI including, but not limited to, ChatGPT, Harvey, and the Lexis and Westlaw AI tools to assist in completing quizzes, exams, papers, and other assessments. On all assignments in my course, you may use the spelling and grammar function in Word and Grammarly. The UF Law Honor Code also prohibits students from using artificial intelligence unless it is authorized by the professor for the particular assignment.

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. Carefully read each assignment's instructions to make sure you meet the formatting requirements. 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.

COMPUTER POLICY:

Computers are permitted in class for notetaking and in-class assignments. However, other electronic devices (cell phones, extra tablets, eReaders) must remain stowed away during class time. When possible, I advise you to take notes on paper and pen or pencil.

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, 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:

- 15%** WA#1: Trial Memorandum
- 25%** WA#2 : Appellate Brief
- 50%** Final Project
- 10%** Participation Class attendance and preparation, in-class participation, timely and successful completion of all assignments (graded, ungraded, oral, and written), active participation in small group discussions, use of office hours, preparation for any out-of-class meetings, and your professionalism. I may also consider participation as a factor for students who fall on the cusp between two grades.

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

GRADING SCALE:

Like all required courses, this course adheres to the law school's curve, including both a mean and mandatory grade distribution. More information can be found [here](#) under "grade distribution for required courses." 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

COURSE SCHEDULE:

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.

Week 1

- Class 1: **1/16** **JOINT CLASS W/M-W GROUP**
 Reading: Ch. 1, 2, 3, and 5
 Class Topic: Overview of Persuasive Writing
- Class 2: 1/18 Reading: Ch. 8 + Appendix B (Sample Trial Memo)
 Class Topics: Complaints, Trial Motions and Supporting Memoranda
 Intro to WA#1

Week 2

- Class 3: 1/23 Reading: Ch. 4 + Canvas (Universe of Cases + Trial Docs.)
 Class Topics: Charting Key Cases and Staying Organized
 Activity: Chart WA#1 Cases in Groups
 Homework: Finish Charting Cases + Read for Next Class
- Class 4: 1/25 Reading: Ch. 4, 3.1, 10
 Activity: Discuss Key Cases
 New Topic: Theme and Persuasive SOF
 Homework: 1–3 Sentence Theme, 1-Page SOF; + Read for Next Class

Week 3

- Class 5: 1/30 Reading: Ch. 3, 6 (pp. 129–34), 10
 Activity: Self-Review SOF; Group Review of Theme
 Topics: Organizing Arguments; Point Headings; Initial Cs
 Homework: Draft Point Headings and Initial Conclusions
 Sketch Argument; + Read for Next Class
- Class 6: 2/1 Reading: Re-Read Ch. 5.I and 5.II, 6.II
 Activity: Point Heading Activity + Self-Review Point Headings
 Topic: Persuasive Rules and Case Illustrations for the CREAC
 Homework: Draft R and E for Trial Motion (WA#1) +
 Read for Next Class

Maguire

Moot Court

Competition 2/2 Activity: Attend and complete discussion thread on Canvas

Week 4

Class 7:	2/6	<u>Read:</u>	Re-Read Ch. 5.III, 6, 7.I, 7.II
		<u>Topic:</u>	Persuasion in the Application of the CREAC Handling Counter-Arguments
		<u>Homework:</u>	Draft the Application for your Trial Memo (WA#1)
Class 8:	2/8	<u>Read:</u>	None
		<u>Topic:</u>	Intro Sections for Trial Memos, Q&A for Trial Memo
			Editing for Persuasion: Focus, Emphasis, Flow
			Checking Citations and Quotations for Content

WA # 1-TRIAL MEMO DUE: Saturday, February 10, 2023, by 11:59 p.m.

Week 5

Class 9:	2/13	<u>Read:</u>	TBD (Maybe asynchronous or a guest speaker)
		<u>Topic:</u>	
Class 10:	2/15	<u>Read:</u>	Ch. 9 + Additional Caselaw and Record (See Canvas)
		<u>Activity:</u>	Chart New Caselaw

Week 6

Class 11:	2/20	<u>Read:</u>	Appendix C
		<u>Activity:</u>	Research Standard of Review
			ICW 16; Complete Research Project #1 and upload to Canvas by 11:59 p.m. on 2/20.
Class 12:	2/22	<u>Activity:</u>	Review Standard of Review Research
		<u>Topic:</u>	Transitioning to Appellate Writing, Revisiting Theme, SOCAF, QP and BA

Week 7

Class 13:	2/27	<u>Re-read:</u>	Ch. 3, 7 (pgs. 171–72), Table 7-L, Table 6-R
		<u>Topics:</u>	Roadmaps, Point Headings, and Subheadings
Class 14:	2/29	<u>Topic:</u>	TBD
		<u>Homework:</u>	Prepare for individual conference

Week 8**INDIVIDUAL WRITING CONFERENCES: 25-min. Meetings**

Class 15:	3/5	Individual writing conference with Professor Jones
Class 16:	3/7	Asynchronous (TBD)

SPRING BREAK 3/11 through 3/15

Week 9**PRACTICE ORAL ARGUMENTS THIS WEEK**

Class 17:	3/19	<u>Read:</u>	Ch. 11+ Supplemental Material (See Canvas)
		<u>Topic:</u>	Oral Argument Tips + Q & A
		<u>Activity:</u>	Arguing Off-Brief

Class 18: 3/21 Topics: Revisit Topics as Needed
Class Time as Draft Time
Homework: Listen to Recorded OA, comments

WA #2-APPELLATE BRIEF DUE: Saturday, March 23, 2023, by 11:59 (no joke!)

Week 10 FINAL ORAL ARGUMENTS THIS WEEK

Class 19: 3/26 Topics: TBD

Class 20: 3/28 Topics: TBD

Week 11

Class 21: 4/2 Topics: Course Evaluations; Oral Argument De-brief
Activity: ICW 6 and 7 (Fed. and State Statutes)
ICW 12 and 13 (Signals and Parentheticals)
Homework: Complete ICW Assignment

Class 22: 4/4 Activity: Research Project #2 (Legal Standard for Final Project)
In-Class Global Feedback: Appellate Brief

Week 12

Class 23: 4/9 No class: No class (Makeup 2/2)

Class 24: 4/11 Topic: Research De-Brief; Re-focus on Trial Memos;
Final Project Tips

FINAL PROJECT Drops Friday, April 12, 2023

Week 13 No Class; Working on Final Project

Class 25: 4/16 No Class: No Class: Makeup w/ Maguire Moot Court Competition

Class 26: 4/19 TA Talk: Write-on Comp.—remind about ICW 17 (a five-part Law Review Exercise); Moot Court and Trial Team; Looking for a job? Starting Your Summer Job

FINAL PROJECT: 4/23 Due Sunday, April 21 by 11:59 p.m.