LEGAL WRITING FALL 2023 SYLLABUS

Professor Donna L. Eng

LAW 5792, CLASS 23843, SECTION 3X 2 CREDIT HOURS

CLASS LOCATION: HOLLAND HALL 355D MONDAYS: 3:30-4:25 PM WEDNESDAYS: 11:00-11:55 AM

PROFESSOR CONTACT INFORMATION

Email: eng@law.ufl.edu

Office Phone: 352.273.0756

Office: 370B

MY OFFICE HOURS:

Mondays 4:30-6:30 p.m.; Thursdays 10:00 a.m. to 12:00 p.m.; 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.

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

Please keep in touch with me! I try to respond to emails as quickly as I can. Email is the best way to reach me. Please contact me if you have any questions regarding the course or a specific assignment.

TAS FOR THIS CLASS AND THEIR EMAIL ADDRESSES:

Lauren Paolucci: laurenpaolucci@ufl.edu Andrea Hernandez: hernandez.av@ufl.edu Hayley McAleese: hayleym@ufl.edu Chana Gandelsman: cgandelsman@ufl.edu <u>COURSE WEBSITE:</u> <u>HTTP://ELEARNING.UFL.EDU/</u> You are responsible for reviewing the page for course updates and for accessing course content.

REQUIRED TEXTBOOKS:

Coughlin, Rocklin, and Patrick, A Lawyer Writes: A Practical Guide to Legal Analysis (3rd ed.)

McKinney and Rose, *Core Grammar for Lawyers* (Online software; see notes below for how to access)

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

Other materials I choose to post on Canvas

SUGGESTED TEXTBOOK:

Deborah Cupples & Margaret Temple Smith, *Grammar, Punctuation & Style: A Quick Guide for Lawyers & Other Writers* (2013).

INFORMATION ON ACCESSING ONLINE TEXT CORE GRAMMAR FOR LAWYERS:

- 1. Go to https://coregrammarforlawyers.com/ 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 "UFLL2023" in 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 to create your Core Grammar for Lawyers account.
- 5. To activate your subscription, enter this exact Class Code (which is unique for our section): 323-072-9990.
- 6. You will be able to start using Core Grammar for Lawyers ("CGL") immediately. However, before we meet for Week 2 of classes, **no later than Sunday, August 27, 2023, at 11:59 p.m.**, you should take the Pre-Test (available on a link from the home page or "Bookshelf").
- 7. All modules must be completed and post-test must be completed (with a minimum score of 85%) by **Sunday, October 1, 2023, at 11:59 p.m**.

INFORMATION REGARDING LEXIS/NEXIS INTERACTIVE CITATION WORKSTATION ("ICW"):

- 1. This is a free online platform that tests Bluebook citation proficiency.
- 2. ICW exercises are tracked online and must be completed no later than the deadlines specified below. For each exercise, you must achieve a minimum score of 70% to receive credit. For each exercise, if you submit your exercise on time and achieve 70% or better, you will receive full credit for that exercise.
- 3. Prior to beginning the exercises, select my name and the ICW TA's name, to ensure we have access to your certificates of completion.
- d. You will have five attempts to answer each question correctly and should strive for 100%. Becoming familiar with the nuances of the Bluebook is critical to becoming a strong legal writer. Be sure you understand why each correct answer is correct. I will reset each ICW for you only one time. Please request re-sets during business hours and at least 24 hours, prior to the due date.

COURSE DESCRIPTION:

First half of a two-part course, both required for graduation. Includes emphasis on written legal analysis and preparation of predictive legal writing for fellow attorneys and clients.

COURSE OBJECTIVES AND GOALS:

The primary objective of this 2-credit course is to teach you how to perform a rigorous analysis of a legal problem and express that analysis effectively in writing.

If you devote yourself to doing the best work you can, at the end of the semester you should be able to:

- Demonstrate an understanding of the U.S. legal system and how lawyers use law to advise clients and resolve legal problems;
- Apply ethical and professional obligations 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 proper grammar, syntax, punctuation, and document formatting techniques;
- Use legal citation correctly; and,
- Revise, edit, and proofread your legal writing.

Note: You will learn how to conduct legal research in a separate course. However, your research professor and I will collaborate, and one of your research exercises will require you to locate authority to use in a memorandum for my class. We will provide more details as they become relevant.

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

POLICY REGARDING SUBMISSION OF ASSIGNMENTS AND LATE POLICY:

- Lawyers must be organized. Failing to abide by deadlines can have disastrous results for your client. If you are not yet in the habit of keeping a personal calendar, please start now.
- Unless otherwise stated in Canvas or on the syllabus, your assignments must be turned in on Canvas
- Late assignments will result in your grade will be lowered by one grade increment per day.
- No assignment will be accepted if it is 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.

PROFESSIONALISM:

I will run our classroom like a law office. Students are the new associates, TAs are the senior associates, and I am the managing partner of the office. I expect professionalism at all times, both in class discussions and in your written submissions. Regarding class discussions, professionalism requires you to speak civilly and treat those with different viewpoints with respect. With respect to written assignments, professionalism requires you to write, revise, and proofread multiple times before turning in any assignment. Please be advised that spelling, grammar, and typographical errors reflect a lack of professionalism in the practice of law. Your path to professionalism starts now.

Punctuality is part of professionalism. Please be on time to class and do not leave early absent extenuating circumstances. As a law student and future lawyer, you are expected to conduct yourself with professionalism in the classroom and in all course-related activities. This includes common courtesy in the classroom as well as in all email messages, threaded discussions, and chats. Please silence cell phones and computer notifications and minimize any other class disruption.

ATTENDANCE:

Attendance will be taken for each class.

Teaching assistants will take roll during each class period.

- You are permitted to miss two class periods without penalty.
- Missing more than two class periods may result in a reduction of your final grade.
- Missing more than six classes will result in a failing grade in the course.
- Excessive tardiness will also result in a grade penalty.
- Requirements for class attendance, assignments, and other work in this course are consistent with UF policies posted at: https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx.

ABSENCES FOR RELIGIOUS HOLIDAYS, ILLNESS, EXTENUATING CIRCUMSTANCES, AND EMERGENCIES:

- If you have a religious holiday that falls on a class date or assignment due date, please contact me <u>well in advance</u> of that holiday to arrange an accommodation and to obtain an excused absence.
- If you are ill or have other critical extenuating circumstances that prevent you from being in class, you must contact me **prior** to the start of class to request an excused absence.
- In the case of an emergency that prevents you from contacting me prior to class, you <u>must</u> contact me as soon as possible thereafter to request an excused absence. <u>If</u> I grant your request, you will need to complete the following steps before I will convert your unexcused absence to an excused absence:
 - 1. Watch the class recording—it will be available on our Canvas Page.
 - 2. Email me no more than **seven** days after the missed class and include the following:
 - a. A statement that you watched the video in full
 - b. Any in-class exercise that you can complete independently (modify as needed)
 - c. If there is no in-class exercise that you can complete independently, please make a note of three things you learned by watching the video, and submit them to me along with your statement in paragraph (a) above.

CORE GRAMMAR FOR LAWYERS AND INTERACTIVE CITATIONWORKSTATION:

We will use numerous asynchronous learning tools during the semester, including but not limited to Core Grammar for Lawyers ("CGL") and the Lexis Nexis Interactive Citation Workstation ("ICW").

GROUP WORK AND ASSIGNMENT POLICIES:

During the semester, our class will be divided into small groups working with one Teaching Assistant ("TA"). 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 with assignments outside of class. Because TAs are 2Ls who did particularly well in their first-year legal writing courses, they will be a tremendous resource to you. I encourage you to get to know your TA and speak with him or her regularly. The TAs for this class and their email addresses have been provided on page 1 for your convenience.

CLASS PARTICIPATION:

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

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.

OTHER POLICY STATEMENTS:

A. Policy related to Make-up exams or other work.

The law school policy on delays in taking exams or submitting other assignments can be found at: Exam Delays & Accommodations - Levin College of Law Levin College of Law (ufl.edu)

B. 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 or via https://ufl.bluera.com/ufl/. Summaries of course evaluation results are available to students at https://gatorevals.aa.ufl.edu/public-results/.

C. HONOR CODE.

COMPLIANCE WITH UF HONOR CODE:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located <u>here</u>. The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and

Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so.

<u>Collaboration</u>. You are bound strictly by the Honor Code. While we will have some in-class group assignments, for the main written assignments, the work you do must be your own. Although you may discuss assignments with each other, you may not give answers to anyone, receive answers from anyone, read the work of another student (whether or not that student is enrolled in Legal Writing) or allow another student to read your work. From time to time, this rule may be relaxed for a specific project, but I will let you know if, and exactly when, this is done. If you need help completing your assignments, please see me or contact your teaching assistant.

Plagiarism. Plagiarism is a very serious offense. There are detailed policies regarding what constitutes plagiarism in your student handbook. Ignorance of the policies is not a defense to a charge of plagiarism.

Representing another's work as your own constitutes plagiarism. Furthermore, paraphrasing or quoting from a case, law review article, or any other source without properly acknowledging the source or without including quotation marks where such marks are appropriate constitutes plagiarism. Any paper evidencing plagiarism will receive a failing grade and will be referred to the law school's Honor Committee.

D. Format Requirements.

All writing assignments this term should be written in 14-point Times New Roman font, double-spaced, with full justification so that the document has smooth edges of text (like this document). Each page should be numbered (bottom, center), and all citations should comply with the rules of *The Bluebook* or the FLORIDA RULES OF APPELLATE PROCEDURE 9.800.

E. Class Preparation.

This course complies with ABA Standard 310. The required readings for this course, posted below, will require at least 2 hours of reading and preparation for each class session.

F. Your Responsibilities as to Other Classes.

As an attorney you will be responsible for many clients at the same time. You must attend to the legal affairs of multiple clients at once, even when you have a big project for one client. Similarly, when you have an assignment for this course, you are still responsible for attending your other classes and completing the work for those classes on time.

G. 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.

H. In-Class Recording.

I have requested that our class be recorded through the UFIT department. UFIT will be creating a MediaSite channel for our course. I will share the link to this channel with all students in the course. The uses and prohibitions delineated below for self-made videos apply equally to these MediaSite video.

Statement regarding student videos: 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. Recording for any other purpose is 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 the 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.

I. Computer Policy.

During class time, electronic devices (laptops, tablets, cell phones) may be used only for taking notes. Even if you prefer to take notes with paper and pen/pencil, please have your computer with you at all times for in-class computer exercises.

J. 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.

UF POLICIES:

UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES:

Students requesting accommodation for disabilities must first register with the Dean of Students Office (DEAN OF STUDENTS OFFICE | Dean of Students Office UF (ufl.edu). (tel: 352-392-8565) by providing appropriate documentation. 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 Student Honor Code and Student Conduct Code | SCCR (ufl.edu)

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

UF STUDENT LIFE WEBPAGE:

Please familiarize yourself with the law school's Student Life page at: https://www.law.ufl.edu/student-life.

It is a tremendous resource for both law school and university resources and services and includes the following:

- Academics (e.g., Schedules, Calendars, Policies, Experiential Learning)
- Campus Logistics (e.g., Reserving a Study Room)
- Technology (e.g., Zoom, Canvas, ExamSoft, Helplines)
- Research Tools (e.g., Law Library, Westlaw, Lexis)
- Diversity & Inclusion (e.g., Statements, Policies, D&I Dean's Information)
- Career and Professional Development (e.g., Advisors, Appointments, Symplicity)
- Health and Safety (e.g., Wellness, Title IX)
- Contact Information (e.g., Law School Departments)

GRADING/COURSE POLICIES:

50% Timely and successful completion of all Writing Assignments, Core Grammar for Lawyers, assigned ICW activities, and class participation, broken down as follows:

- WA #1 Case illustration (Fact Pattern 1) (feed back only)
- 10% WA#2 Discussion section of a legal memorandum (Fact Pattern 1)
- 10% WA#3 Client letter (Fact Pattern 1)
- 20% WA#4 Full legal memorandum (Fact Pattern 2)
- 10% Class Participation (Attendance, Consistency and Quality of In-Class and Online Participation; ICW; Core Grammar; Conference Preparation; Quizzes)

50% Final Memorandum (Final Writing Assignment)

The law school policy on exam delays and accommodations can be found at: https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form.

The law school grading policy is available at: https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies

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
В-	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

Class Schedule:

Generally, classes will meet on Mondays, from 3:30-4:25 pm, and Wednesdays, from 11:00-11:55 am, in Room 355D Holland Hall.

All students will be required to complete assignments by the due dates noted in the Course Schedule as described below.

- <u>Disclaimer:</u> This is a tentative syllabus assigned readings and assignment due dates may change.
- "ALW" refers to Coughlin et al., A Lawyer Writes.
- "ICW" refers to LEXIS/NEXIS Interactive Citation Workstation
- "CGL" refers to *Core Grammar for Lawyers* (Online software)

COURSE SHEDULE:

*Denotes a day class is not usually held.

Date	Subject matter & reading assignment	Assignment due
WEEK 1:	Intro to Class: How Attorneys	Read A Lawyer Writes
Mon., Aug. 21	Communicate	("ALW"), Ch. 1;
Class 1		review the syllabus;
		visit our class page on
		Canvas prior to class.
		Assignment due:
		Before the first class,
		complete online form,
		available here:
		https://forms.office.co
		m/Pages/ResponsePa
		ge.aspx?id=-
		KBNDTFKdk2s5gpi
		Mx4bhJCj5SRlEsJC
		mHxCV-
		PYcfVUM0xKVINaQ
		zluwejusunqvldD
		OFZPTzY5NC4u
Wed., Aug. 23	Sources and Systems of Law; Reading for	Read ALW Ch. 2 and
Class 2	Comprehension.	3
*Sun., Aug. 27,		Assignment due by
by 11:59 pm		11:59 pm: Complete

		Core Grammar for Lawyers Pre-Test (online) (plan for about 90 minutes)
WEEK 2: Mon., Aug. 28 Class 3	Case Illustrations; Introduction to Memorandum #1; Preview of WA (Writing Assignment) #1.	Skim Chapter 6; Read Section 7.2; Read supplementary Material in Canvas, including the hypothetical
Wed., Aug. 30 Class 4	Statute and Cases Discussion	Read Statute and cases for Memo #1; Florida Rule of Appellate Procedure 9.800; Bluebook: the "Blue pages" in the front Assignment due: Before class on Wed., Aug, 30, turn in your Case Illustration on Canvas for class discussion on Wed. Aug. 30. Bring hardcopy to class for feedback.
WEEK 3: Mon., Sept. 4	Labor Day Holiday- no class	
Wed., Sept. 6 Class 5	Legal Memorandum Structure; Finding Your Argument; Organizing Your Legal Authority	Read ALW Ch. 4 and 5 Assignment Due 11:59 pm on Canvas: turn in Case Illustration Memo 1 (WA #1)
WEEK 4: Mon., Sept. 11 Class 6	One Legal Argument; Explaining the Law	Read ALW, Ch. 6 and 7; Preview WA #2
Wed., Sept. 13 Class 7 WEEK 5: Mon., Sept. 18 Class 8	Applying the Law; Conclusion to One Legal Argument Statutory Analysis; the Discussion Section	Read ALW Ch. 8 and 9 Read ALW Ch. 11 and 12

Wed., Sept. 20 Class 9 * Saturday,	Introduction to Citations	Read Bluebook, pages 1-27; Florida Rule of Appellate Procedure 9.800 Assignment due by
Sept. 23		11:59 p.m.: Discussion Section Only for Memo #1. (WA#2)
WEEK 6: Mon., Sept. 25 Class 10	Citations Workshop; ICW #1 and #2 in class (complete by Tues., Sept. 26, by 11:59 p.m.)	Re-read Bluebook pgs. 1-27
* Tues, Sept. 26		Assignment due: ICW # 1 and #2 complete by Tues., Sept. 26, by 11:59 p.m.
Wed., Sept. 27 Class 11	Shifting Your Analysis to Client Letters: Preview WA#3	Read ALW Ch. 17
*Fri. Sept. 29 10:00 a.m., MLAC 100 (courtroom)	Moot Court Final Four competition- special class time – attendance in person or viewing competition remotely is required	Attend live if possible and complete discussion board assignment. If you are unable to attend live because of class or another conflict, please watch the video and complete disc. board assignment by November 15, prior to the start of class
*Sun., Oct. 1, 11:59 pm		Assignment Due by October 1 at 11:59 p.m.: all Core Grammar modules done & Post-Test completed with min. score of 85%).

WEEK 7: Mon., Oct. 2 Class 12	Client Letter Activity; Class Time as Draft Time	Read ALW Ch. 17
Wed., Oct. 4 Class 13	Asynchronous Day – Outlining Arguments and Shifting to Hypothetical #2; Preview WA#4	Assignment due: WA#3 Client Letter Due.
		Please turn in a copy on Canvas prior to class
WEEK 8:	Question Presented and Brief Answer	Read ALW Ch. 13
Mon., Oct. 9 Class 14		Assignment Due: ICW #3 and #5
Wed., Oct 11 Class 15	Statement of Facts and Conclusion	Read ALW Ch. 14 and 15
<u>WEEK 9</u> : Mon., Oct. 16 Class 16	Perfecting Point Headings	Read Supplemental Material in Canvas Assignment due: Optional- Draft of QP
Wed., Oct. 18 Class 17	Editing and Polishing	and BA (no grade) Read ALW Ch. 16 and Supplemental Material in Canvas
WEEK 10: Mon., Oct. 23 Class 18	Class Time as Draft Time	III Calivas
Wed., Oct. 25 Class 19	Turning to Professional Emails	Read: ALW Ch. 18; Supplemental Material in Canvas
		Assignment Due: WA#4 Full Memo #2.
		Please turn in a copy on Canvas prior to class
WEEK 11: Mon., Oct. 30 Class 20	Asynchronous Class: Texting Clients and Counsel	Asynchronous Class: Read Supplemental Materials in Canvas

		and Complete
		Assignment
		Assignment
		Assignment due: ICW #9
Wed., Nov. 1 Class 21	Evaluations (15 min) (in class time) Final Exam Tips (remaining class time)	
WEEK 12: Mon., Nov. 6 Class 22	No class; individual conferences held; must schedule and attend individual conference to review WA #4	
Wed., Nov. 8 Class 23	No class; individual conferences held; must schedule and attend individual conference to review WA #4	
Fri., Nov. 10	Final Exam Drops	
WEEK 13: Mon., Nov. 13 Class 24	Final Exam Discussion	
Wed., Nov. 15 Class 25	Guest Speaker(s); Writing for Clerkships and Other Summer Jobs	Assignment due: discussion board assignment due prior to class, from Moot Court Final Four competition event held Sept. 29.
* Sun., Nov. 19		Final Project Due by 11:59pm
<u>WEEK 14</u> : Mon., Nov. 20 Class 26	How Best to Use Your Winter Break: Tips from Our TAs Re: Judicial Internships, Other Summer Jobs, Co- Curriculars, and More	