

Legal Writing II
SPRING SYLLABUS – LAW 5793/CLASS #29937 – 3 CREDITS

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CLASS MEETING TIME: Tuesdays & Thursdays, 3:30pm-4:55pm

CLASS LOCATION: Holland Hall 284

OFFICE HOURS: Thursdays, 1:00pm to 3:00pm

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 come to office hours! I look forward to meeting you. If you cannot make it to these office hours, we can meet another time—email me to set that up.

If you have questions regarding the course or a specific assignment, please feel free to email me. I try to respond to emails quickly.

Note: Office hours and other conferences will not be held (with me or your TA) 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.

REQUIRED READING MATERIALS

Rocklin, Rocklin, Coughlin, and Patrick, *An Advocate Persuades* (2016)

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

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

WORKLOAD

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

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 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 of 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 simulated appellate oral argument.

CLASS PARTICIPATION

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

PROFESSIONALISM

As a 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. 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.

In addition to completing each writing assignment, you will need to revise and proofread your documents numerous times before submitting them, just as you would in the practice of law.

CLASS ATTENDANCE POLICY

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.**

Punctuality is part of professionalism. Please be on time to class and do not leave early absent extenuating circumstances. 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.

ASSIGNMENT PREPARATION/SUBMISSION OF GROUP WORK POLICIES

Students will be divided into groups for some activities including case discussions, peer reviews, research assignments, and oral arguments. Each group will have an assigned TA who will assist students with in-class exercises and out-of-class assignments. TAs are 2Ls who did particularly well in their first-year legal writing courses. They are a tremendous resource to you and I encourage you to speak with your assigned TA regularly. The class TAs will be:

Jeffrey Katz	katz.jeffrey@ufl.edu
Amanda Kohls	akohls@ufl.edu
Madelyn Brenner	madelyn.brenner@ufl.edu
Christian Collazo	collazoch@ufl.edu

Assignment Submission and Late Policy

Lawyers must be organized. Failing to meet a deadline 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. The due dates and times are on the syllabus. Please mark your calendars accordingly.

If you turn in an assignment late (according to the timestamp by Canvas), your grade for that assignment will be lowered by 10% per day (24-hour period from the time the assignment is due). Assignments will not be accepted if they are more than three 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.

If you have extraordinary circumstances 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.

GRADING/COURSE POLICIES:

The principle writing assignments in this course consist of trial court motion memoranda and portions of an appellate brief. Some of the assignments will entail extensive research, many of the assignments will require submission of a preliminary draft. Other assignments include the presentation of appellate oral argument.

Grades will be determined primarily on the basis of the final draft of the Appellate Brief Argument Section (25%), the Trial Memorandum (15%), the Final Exam Trial Memorandum (50%), and participation (10%). In exceptional cases, extraordinary coursework (or extraordinarily deficient coursework) throughout the semester also may be taken into account in determining the final grade.

For students on the cusp of two grade categories, all coursework, attendance, and the quality and consistency of participation will be taken into consideration when determining grades. See above attendance policy, quiz/exam policy, and assignment preparation/submission and group work policies, which also may impact your course grade. Finally, see below for “Grading Standards for Final Drafts.”

Percentage Allocation

25% Final (Revised) Appellate Brief
15% Trial Memorandum
50% Final Exam Trial Memorandum
10% Participation

Grading Standards for Final Drafts

In conjunction with any assignment-specific standards, the grading standards applied to final assignments will be as follows:

- A or A-:** The paper is excellent in all respects. The analysis presented is persuasive, interesting, and well-reasoned. The writing style is clear, direct, and grammatically correct. The paper is generally free of typos, formatting problems, and citation errors.
- B+:** The paper is very good in all respects. By and large, the analysis is persuasive and well-reasoned, the writing style is clear, direct, and grammatically correct, and the paper is free of typos, formatting problems, and citation errors, but the paper lacks some of the sophistication present in an A or A- paper.
- B:** The paper constitutes a solid, well-reasoned, and professional piece of work. The organization, the writing style, the use of citation and the formatting of the paper demonstrate mastery of the basics of persuasive legal writing and citation.
- B- or below:** The paper is notably deficient in one or more respects: the analysis presented is thin, conclusory, or poorly reasoned; the writing style is unclear, confusing, or difficult to follow, the organization is poor; or the paper suffers from extensive grammatical, formatting, or citation errors.

Plagiarism and Quotations

Plagiarism is an Honor Code violation. Sources must be acknowledged, not only when you quote their text, but also when you paraphrase.

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 source.

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, and thereby undermine the persuasive force of what you write. 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 source.

Formatting Requirements for Writing Assignments

All assignments (except the Final Exam Trial Memo) are to be submitted electronically via the course Canvas website, in Word format. Specific formatting requirements will be specified in class. In general, the right margin should not be justified, page numbers should be located at the bottom center of each page except the first, and the text should be double-spaced, except for the headings.

TECHNOLOGY

You must bring a laptop or tablet to every class so that you can access handouts on Canvas, participate in in-class exercises, and work on assignments with your teammates. Please silence and put away cellphones, smartwatches, and similar devices before class begins. If you are using electronics to do anything not directly related to this class, I will penalize you. I may revisit or revise this policy as needed.

PREFERRED NAMES & PRONOUNS

I would like to use your preferred name and the pronouns that reflect your identity. I use the Canvas display names to create my course roster. Please make sure that your Canvas display name reflects your preferred name and correct pronouns if possible; or, if Canvas will not display your information correctly, please e-mail me and let me know how you'd like to be addressed in class.

POLICIES TO PREVENT THE SPREAD OF SICKNESS

If you are sick, out of respect for your colleagues, please do not come to class. Please notify me of your condition and I will provide you with a Zoom link so that you can attend class remotely. You will not be marked absent if you must attend class via Zoom because you are sick. If you insist on coming to class sick, please consider wearing a mask to prevent the spread of germs and illness.

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

COURSE SCHEDULE

Week 1

- Class 1: 1/17 *Reading: Ch. 1, 2, 3, and 8
Class Topic: Overview of Persuasive Writing
- Class 2: 1/19 Reading: Ch. 4, 10 + Appendix B and C (Sample Trial Memos)
Class Topics: Complaints, Trial Motions and Supporting Memoranda
Intro to WA#1 (MSJ on Notice Issue Only)
Homework: Research Legal Standard for MSJ in U.S. Fed. Dist. Court,
ND of Illinois + Read for Next Class

Week 2

- Class 3: 1/24 Reading: Ch. 6 + 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: 1/26 Reading: Ch. 6, 7.1, Ch. 12
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: 1/31 Reading: Ch. 7, Ch. 9 p. 191–94.
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: 2/2 Reading: Re-Read Ch. 8.1 and 8.2
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

Week 4

- Class 7: 2/7 Read: Re-read Ch. 8.3 + Read Ch. 9
Topic: Persuasion in the Application of the CREAC
Handling Counter-Arguments
Homework: Draft the Application for your Trial Memo (WA#1)

Class 8:	2/9	<u>Read:</u>	None
Makeup Class:	2/10	<u>Topic:</u>	Introductions for Trial Motions Q & A for Trial Memo
Maguire Moot Court Competition	2/10	<u>Activity:</u>	Attend and complete discussion thread

Week 5

Class 9:	2/14	<u>Read:</u>	Ch. 13.1, 13.2 (A, B, C)
		<u>Topic:</u>	Editing for Persuasion: Focus, Emphasis, Flow Checking Citations and Quotations for Content
		<u>Homework:</u>	Check Your Own Persuasive Value + Citations
Class 10:	2/16	<u>Read:</u>	Ch. 13.2 (D, E), 13.3, 13.4, 13.5
		<u>Topic:</u>	Good 'ole Grammar; Proofreading
		<u>Activity:</u>	Proofreading Bingo

TRIAL MEMO DUE: Saturday, February 18, 2023, by 11:59 p.m.

Week 6

Class 11:	2/21	<u>Read:</u>	Ch. 5 + Additional Caselaw and Record (See Canvas)
		<u>Activity:</u>	Chart New Caselaw
Class 12:	2/23	<u>Read:</u>	Appendix C
		<u>Homework:</u>	Research Standard of Review ICW 16; Draft SOCAF (Re-read Ch. 12 as needed)

Week 7

Class 13:	2/28	<u>Activity:</u>	Review Standard of Review Research
		<u>Topics:</u>	Transitioning to Appellate Writing, Revisiting Theme, SOCAF, QP and BA
		<u>Homework:</u>	Draft QP and BA
Class 14:	3/2	<u>Re-read:</u>	Ch. 7 and Ch. 13 p. 291–92
		<u>Topic:</u>	Roadmaps, Point Headings, and Subheadings
		<u>Homework:</u>	Prepare for individual writing conference; work on new argument

Week 8

INDIVIDUAL WRITING CONFERENCES: 25-min. Meetings
Students turn in document: (1) analyzing how they are improving upon their notice argument and adapting it for their appellate brief and (2) an outline of their remedial-measures argument for their appellate brief.

Class 15: 3/7 Individual writing conference with Professor
Class 16: 3/9 Asynchronous (TBD)

SPRING BREAK 3/13 through 3/17

Week 9 PRACTICE ORAL ARGUMENTS THIS WEEK

Class 17: 3/21 Read: Ch. 14 + Supplemental Material (See Canvas)
Topic: Oral Argument Tips + Q & A
Activity: Arguing Off-Brief

Class 18: 3/23 TBD

Week 10 FINAL ORAL ARGUMENTS THIS WEEK

Class 19: 3/28 **Appellate Brief Q&A**

Class 20: 3/30 Topics: Revisit Topics as Needed
Class Time as Draft Time

APPELLATE BRIEF DUE: Saturday, April 1, 2023, by 11:59 (no joke!)

Week 11

Class 21: 4/4 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: 4/6 Activity: Research Project #2 (Legal Standard for Final Project)
In-Class Global Feedback: Appellate Brief
Homework: Complete and Submit by Sat., April 8 at 11:59 p.m.

Week 12

Class 23: 4/11 No class: No class (Makeup 2/10)

Class 24: 4/13 Topic: Research De-Brief; Re-focus on Trial Memos;
Final Project Tips

FINAL PROJECT: 4/16 Drop Sunday, April 16, 2023

Week 13 No Class; Working on Final Project

Class 25: 4/18 No Class: No Class: Makeup w/ Maguire Moot Court Competition

Class 26: 4/20 No Class: Make-up on 4/24

FINAL

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

Week 14

Make-up: 4/24 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