

Legal Writing and Research
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2024 SYLLABUS – LAW 7805 – 2 CREDITS

Professor Brittan L. Mitchell

Office: Room **TBD**

Office Phone: 352-681-8287

Email: brittanmitchell@ufl.edu; brittanmitchell@gmail.com

Office Hours: Thursdays for 1 hour after class—Room **TBD**; Fridays via Zoom 12:00 – 1:00 pm (by appointment only).

MEETING TIME: Thursdays, 3:30 p.m. – 5:30 p.m.

LOCATION: HH283

COURSE DESCRIPTION AND OBJECTIVES:

The primary objective of this course is to teach you how to construct a thorough analysis of a legal problem using common law principles and express it effectively in writing.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to:

- Demonstrate an understanding of the U.S. legal system and how lawyers use the law to advise clients and resolve legal problems;
- Review facts and evaluate their relevance to a client's legal situation;
- Identify legal issues affecting a client's 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;
- Prepare effective answers to law school exam questions;
- Use effective organizational techniques;
- Use legal citation correctly; and
- Revise, edit, and proofread your legal writing.

REQUIRED READING MATERIALS:

Required Texts:

- Boyle-Laisure, Coughlin, and Patrick, *Becoming a Legal Writer* (2019)
- *The Bluebook* 21st ed.
- Thornton, *U.S. Legal Reasoning, Writing, and Practice for International Lawyers* (2014)

Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page regularly for any class announcements or adjustments.

COURSE EXPECTATIONS AND GRADING EVALUATION:

Students will be evaluated based on the following

Assessments:

Assignment	Percent of Grade
Assignment #1: Case Brief	5
Assignment #2: Case Chart	5
Assignment #3: IRAC Exercise	5
Assignment #4: Office E-Mail	10
Assignment #5: Legal Opinion Exercise	10
Assignment #6: Inter-Office Memorandum	20
Assignment #7: Persuasive Writing Exercise	20
Assignment #8: Oral Arguments	10
Attendance, Participation, and Classroom Work	15
Total	100

Additional Class Expectations include the following:

- Satisfactorily complete assignments;
- Timely complete assignments;
- Attend and demonstrate preparedness in class; and
- Demonstrate professionalism.

Satisfactorily complete assignments: The goals of all assignments in this course are to teach you the principles of and give you practice in developing legal writing skills. I want you to use the assignments to practice writing techniques, learn from my feedback, learn from your strengths and weaknesses, and improve.

For each assignment, I will provide you with a checklist of my expectations for the project and will use the checklist to aid me in assessing the quality of your work. I will evaluate your performance based on the skill and effort you demonstrate in doing the best work that you can on each assignment, the skill and effort you demonstrate in applying the principles discussed in the assigned reading and during our class meetings, and the skill and effort you demonstrate in revising your work.

Timely complete assignments: As it is in law practice, time management is a critical component of our class. Just as clients, senior partners, and judges expect work to be submitted timely, I expect your work to be submitted no later than the specified deadline. If you worked for me as a law clerk and you submitted an assignment after the deadline, without excuse, I'd likely fire you and definitely would not offer you a permanent position in the firm. Therefore, I will not accept such conduct in this course.

Your final grade may be lowered one level (e.g. B to B-) for each assignment not submitted by the deadline. The grade on your final writing assignment may be lowered one level (e.g. B to B-) for every day or portion

of a day that the assignment is late.

I will excuse late submissions only in limited emergency situations. As to emergencies involving your serious illness, accident, or the complete death of your computer (i.e., it blows up, the hard drive crashes), please call me, e-mail me, or see me **before** the date that the assignment is due. Under such circumstances, I will delay the deadline for your paper to give you enough time to deal with the emergency. The following examples do **not** constitute an excuse for missing a deadline:

- a job interview;
- reasonably foreseeable transportation trouble;
- reasonably foreseeable computer or printer problems (including but not limited to difficulties submitting assignments on the course Canvas page and other user technological issues);
- lack of time to complete;
- leaving the assignment at home; and
- not understanding the assignment.

Demonstrate preparedness in class: You are responsible for the information contained in all Canvas postings, handouts, and assigned reading. I expect that you will have completed the reading assignment and that you will participate in class. I will call on students during class and expect them to be prepared. I also expect that you will be prepared to participate in group exercises. This is not a lecture course. I will not use our valuable class time to reiterate what you have read. Instead, I will use class meetings to give you practice using the skills and applying the principles covered in the assigned reading. Our class meetings will have value to you only if you come prepared to participate.

I understand that sometimes things will complicate your life and that you may not be prepared for a particular class session. If you are unprepared to participate in a class session, please let me know before class begins, and I will not call on you that day. Do not, however, make a habit of this.

Unpreparedness may result in the lowering of your final grade.

Professional Quality Work: I expect you to produce work that exhibits professional quality conforming to all format requirements and that is carefully proofread. You have the ability and maturity to approach your work with diligence. When preparing an assignment for this course pay attention to detail as you would if you were a law clerk or practicing attorney preparing a document for review by a senior partner or by a client. Just as an employer or client would not accept sloppy work from you, I will not accept such work in this course.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed two (2) 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](#).

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 [here](#). 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.

INFORMATION ON UF LAW GRADING POLICIES:

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

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

The law school grading policy is available [here](#).

OBSERVANCE OF RELIGIOUS HOLIDAYS:

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

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

EXAM DELAYS AND ACCOMMODATIONS:

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

STATEMENT RELATED TO ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester. 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. Students may access information about various resources on the UF Law Student Resources Canvas page, available at <https://ufl.instructure.com/courses/427635>.

STUDENT 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. 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.bluer.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

RECORDINGS OF CLASS

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will work with faculty to determine when students may have access to these recordings,

and the recordings will be password protected. It is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Each weekly class is approximately 2 hours in length, requiring at least **4 hours of preparation** outside of class including reading the assigned materials, writing critical analyses, and developing your final paper.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

YOU MUST TIMELY COMPLETE ALL ASSIGNMENTS TO PASS THIS COURSE

***SOME CLASSES MAY BE RESCHEDULED AND/OR PROVIDED THROUGH A VIRTUAL FORMAT, AS NEEDED THROUGHOUT THE SEMESTER**

8/22	<i>Class 1: Introduction to Legal Research & Writing</i> Required Readings before class: • Syllabus • Becoming a Legal Writer Textbook: ○ Chapter 2—Sources and Systems of the Law, pages 19-25 (omit exercises) ○ Chapter 3—Preparing for the Deep Road, pages 33-64 (omit exercises) ○ Chapter 12 – Statutory Interpretation, pages 215-222 (omit exercises) Optional Reading before class: • U.S. Legal Reasoning, Writing, and Practice Textbook: ○ Chapter 5—Reading Cases, pages 61-84 ○ Chapter 6—Writing a Case Brief, pages 85-92 Discuss Assignment 1: Case Brief due <u>Thursday, 8/29/2024 by 11:59 am.</u>
2 8/29	<i>Class 2: Getting Organized & Applying the Law</i> Required Readings before class: • Becoming a Legal Writer Textbook: ○ Chapter 4 – Finding Your Argument, pages 77-80 (omit exercises) ○ Chapter 5 – Organizing Legal Authority, pages 87-89 (omit exercises) ○ Chapter 7 – Explaining the Law, pages 113-31 (omit exercises) ○ Chapter 8 – Applying the Law, pages 141-54 (omit exercises) Optional Reading before Class: • U.S. Legal Reasoning, Writing, and Practice Textbook: ○ Chapter 7—Organizing Information from Cases, pages 93-98 Discuss Assignment 2: Case Chart due <u>Friday, 9/13/2024 by 11:59 am.</u>

3 9/5	<i>Class 3: Preparing a Legal Argument*</i> This class will be pre-recorded and shared through Canvas or scheduled as a live make-up. Required Readings before class: • Becoming a Legal Writer Textbook: ○ Chapter 6—One Legal Argument, pages 101-103 (omit exercises) • U.S. Legal Reasoning, Writing, and Practice Textbook: ○ Chapter 10- Introduction to U.S. Legal Rhetoric, pages 129-42 Discuss Assignment 3: IRAC Exercise due <u>Friday, 9/20/2024 by 11:59 pm.</u>
4 9/12	<i>Class 4: Continued from Class 3*</i> Required Readings before class: • U.S. Legal Reasoning, Writing, and Practice Textbook: ○ Chapter 19- Overview of Legal Research, pages 263-76
5 9/19	<i>Class 5: Legal Writing-Office Email</i> Required Readings before class: • Becoming a Legal Writer Textbook: ○ Chapter 9 – Tying it All Together – pages 169 – 75 (omit exercises) • U.S. Legal Reasoning, Writing, and Practice Textbook: ○ Chapter 21-Writing emails . . . , pages 295-304 ○ Appendix D & Appendix E, pages 373-79 Discuss Assignment 4: Office Email due <u>Friday, 10/4/2024 by 11:59 pm.</u>
6 9/26	<i>Class 6:</i> Required Readings before class: • Becoming a Legal Writer Textbook: ○ Chapter 13—Revising, Editing, and Polishing, pages 233-37 (omit exercises)
7 10/3	<i>Class 7: Revising Legal Writing</i> Required Readings before class: • U.S. Legal Reasoning, Writing, and Practice Textbook: ○ Chapter 18- Editing Unnecessary Language . . . , pages 253-62 Optional Readings before class: • U.S. Legal Reasoning, Writing, and Practice Textbook: ○ Chapter 11- Contrasts between the rhetorical styles of English and of other languages, pages 143-52 Discuss Assignment 5: Legal Opinion Exercise <u>due Friday, 10/18/2024 by 11:59 pm.</u>

8 10/10	<i>Class 8: Legal Citations (Bluebook)</i> Required Readings before class: • Bluebook: ○ Preface, Table of Contents, pages VII – XVI ○ Introduction, pages 1-3 ○ Rules B.1, B4-B8 pages 3-6, 8-10 Optional Readings before class: • Bluebook: ○ Rules 1, 4 - 8 pages 61-67, 79-93 • https://guides.library.harvard.edu/bluebook-guide • https://guides.ll.georgetown.edu/bluebook A portion of the class time will be devoted to answering questions about the Legal Opinion Letter <u>due Friday, 10/18/2024 by 11:59 pm.</u>
9 10/17	<i>Class 9: Interoffice Memorandum, Part 1</i> Required Readings before class: • U.S. Legal Reasoning, Writing, and Practice Textbook: ○ Chapter 12- Writing the Office Memorandum, pages 153-168 ○ Chapter 13-The Heart of Legal Reasoning, pages 169-181 ○ Appendix C: Office Memo with Case Law, pages 363-372 Discuss Assignment 6: Interoffice Memorandum <u>due Friday, 11/8/2024 by 11:59 pm.</u>
10 10/24	<i>Class 10: Interoffice Memorandum, Part 2</i> Required Readings before class: • U.S. Legal Reasoning, Writing, and Practice Textbook: ○ Chapter 16-The Introduction/Statement of Facts, pages 217-224 • Bluebook: ○ Rules B10, B12, B15, B18 pages 11-23, 26-27 ○ Front cover / Back Cover Optional Readings before class: • Bluebook: ○ Rules 10, 12, 15, 18 pages 95-118, 120-134, 147-156, 174-185 A portion of the class time will be devoted to answering questions about the Interoffice Memorandum <u>due Friday, 11/8/2024 by 11:59 pm.</u>
12	<i>Class 11: Appellate Advocacy: The Persuasive Brief, Part 2</i>

10/31	This class will be pre-recorded and shared through Canvas or rescheduled. Professor Mitchell is potentially Out of the Country 10/30 – 11/8. Continuation of Required Readings from prior class: • U.S. Legal Reasoning, Writing, and Practice Textbook: ◦ Appendix L, the Appellate Brief, 425-449 A portion of the class time will be devoted to answering questions about the Persuasive Writing Exercise <u>due Friday, 11/15/2024 by 11:59 pm.</u>
13 11/7	<i>Class 12: Appellate Advocacy: The Persuasive Brief, Part 3</i> This class will be pre-recorded and shared through Canvas or rescheduled. Professor Mitchell is potentially Out of the Country 10/30 – 11/8. Required Readings before class: • Schedule of Oral Arguments for Tuesday, 11/14/2023 in-class activity • U.S. Legal Reasoning, Writing, and Practice Textbook: Chapter 24- Law School Skills, pages 339-50 A portion of the class time will be devoted to answering questions about the Persuasive Writing Exercise <u>due Friday, 11/15/2024 by 11:59 pm.</u>
14 11/14	<i>Class 13: Appellate Advocacy: Oral Arguments</i> <i>Oral Arguments (in class)</i> <i>This class requires Class Participation by Every Student</i>
**	<i>Optional material, Law School Writing (as time permits)</i>