INTRODUCTION TO LEGAL WRITING; COURSE POLICIES AND EXPECTATIONS
Course No. 5792 § 117E, Prof. Ruff

§ 1 Texts

The following texts are required:

- The Bluebook: A Uniform System of Citation (Columbia Law Review Ass’n et al. eds., 20th ed.) (“Bluebook”)*
- Course Packet for my section available for purchase at the Law School Bookstore during the week before classes begin (“Course Packet”).

The following text is recommended:


Additionally, you will need to download, print, and organize in a three ring binder (with the Course Packet) the materials from the course website accessible through TWEN at http://lawschool.westlaw.com. See the course website home page for further instructions in this regard. New documents will be posted at the website throughout the semester. Watch for email notices or announcements in class that something new has been posted on the course website. The course website materials and the Course Packet are collectively referred to as the “Supplemental Course Materials.”

- Bring the Supplemental Course Materials and the Design text to each class.
- Bring the Bluebook to each lab and class for which a reading from the Bluebook is assigned.
- Refer to the Cupples Guide as needed to check the grammar, punctuation, and writing style in each writing assignment you turn in.

(*These same texts also will be required for Appellate Advocacy next semester. Furthermore, they will be useful to you during your legal career, starting with any summer clerkship you might have.)

§ 2 Class Meetings, Teaching Assistant Meetings, and Special Events

Our classes will meet in room 359 on Mondays and Thursdays at noon, unless otherwise announced. You will also attend group and individual meetings with your teaching assistant, conferences with me, and special events. The Course Calendar (found on the course website) shows the dates or weeks that these meetings and events will take place.
§ 3 Getting in Touch with Me

Please come see me in my office (219 Martin Levin Advocacy Center) or get in touch with me by email (ruff@law.ufl.edu) or phone (352.273.0883) if you have any questions regarding this course or an assignment. If I am not available and you would like to speak with a Legal Writing administrative assistant, please call 273-0875. In corresponding with me by email, please use an appropriate degree of formality and proper grammar, punctuation, and spelling. (I do not respond to messages such as “like how do i make a line go across the page.”)

My office hours are Mondays from 2:00 to 4:00 p.m., Tuesdays from 3:15 to 4:15 p.m., and Thursdays from 3:15 to 4:15 p.m. I am available to meet with you at other times as well. If these stated times are not convenient for you, please contact me to schedule an appointment.

§ 4 Course Goals

The Legal Writing course is the first part of a two-semester writing program designed to get you started analyzing legal problems and writing like lawyers. In this first semester, you will learn the skills necessary to write an objective legal memorandum. In the second semester in Appellate Advocacy, you will learn the skills necessary to write and argue a persuasive brief. My goal is for you to acquire a solid basic understanding of the legal memorandum writing process. We will focus on the following skills:

1. Analyzing the law to identify how it supports the client's position or opponent's position.
2. Writing your analysis so that the senior attorney (or judge) for whom you're working will understand it, and be able to rely on it.
3. Learning good habits of professional practice.

§ 5 The Purpose of a Legal Memorandum

Understanding the purpose of an objective legal memorandum and how it differs from a persuasive legal brief will help you better understand this semester's work. When a client goes to an attorney with a legal problem, the attorney interviews the client to obtain basic facts. Then, the attorney often asks a law clerk or associate to determine what legal issues are raised by the facts, to research those issues, and to communicate the results of the research to the senior attorney in an objective legal memorandum.

The law clerk or associate writes the objective legal memorandum to advise the senior attorney what course of action is best. The legal memorandum is confidential, intended only for the senior attorney or client, and is not presented to the court. The law clerk or associate may advise the senior attorney to obtain additional facts from the client. The senior attorney then makes the final decision about what advice to give the client.
The senior attorney reads the legal memorandum for advice on:

1. **What law governs the particular problem.**
2. **What action to take.** Sue or defend? Settle out of court or drop the case? If the recommended action is to sue or defend, what law should be relied on and what facts should be emphasized? The memo also serves as a guide for further fact-finding.
3. **Why the law clerk or associate believes the law on the particular problem mandates the recommended action.** The senior attorney retains responsibility for the case and therefore needs to know the reasoning behind the recommendation in order to evaluate whether the recommended action is proper.

Bringing or defending a lawsuit is an expensive undertaking. Therefore, the law clerk or associate must give the senior attorney an objective and accurate assessment of the chances of winning. An accurate assessment requires examining the strengths and weaknesses of both the client's case and the opponent's case. Although law clerks or associates recommend what action should be taken, they do not try to persuade or argue a particular point of view. The tone of the memo is objective: unemotional and evenhanded.

Being objective is sometimes difficult for law students who want to learn to be advocates. However, even advocates must analyze the problem objectively first. You will learn to advocate when you write a brief in Appellate Advocacy. A brief has a different purpose from an office memorandum because a brief is not a confidential document written for a senior attorney in the same law firm. A brief is filed with the court and becomes part of the public record of the case. The purpose of a brief is to persuade a judge to rule for your client, or to persuade your opposing attorney to settle the case on terms favorable to your client. Unlike an objective memorandum, a brief presents a "one-sided" view of the case. Often, the brief is the culmination of the course of action the objective memorandum helped formulate.

§ 6 **Course Components**

The Legal Writing course has five major components: (1) assignments that are turned in for review and evaluation and are designed to teach you how to analyze and cite law and how to apply the law in writing to the client’s problem; (2) conferences with your teaching assistant to review specific assignments; (3) conferences with me to review written work; (4) reading assignments; and (5) in-class discussions and exercises. All of these components are designed to immerse you in the logic, practice, form and art of legal reasoning and writing.
§ 7 Summary of Major Writing Assignments

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>WA #1 – Case Brief</td>
<td>August 27</td>
</tr>
<tr>
<td><strong>WA #2 – Initial Objective Memorandum 1 Discussion Section</strong></td>
<td><strong>September 21</strong></td>
</tr>
<tr>
<td>WA #3 – Final Objective Memorandum Discussion Section, with Facts and Conclusion Sections added</td>
<td>October 19</td>
</tr>
<tr>
<td><strong>WA #4 – Initial Objective Memorandum 2</strong></td>
<td><strong>November 2</strong></td>
</tr>
<tr>
<td>WA #5 – Final Objective Memorandum 2</td>
<td>November 23</td>
</tr>
</tbody>
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§ 8 My Grading Policies and Expectations

a. Your Grade

Legal Writing is graded by letter and is subject to the mandatory grade curve established by the College of Law. For information on current UF grading policies for assigning grade points, go to https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx. Your final grade in the course will be determined as follows:

1. 70% – Objective Memorandum #2 (open universe, i.e., you will conduct the research for writing this memo).
2. 20% – Satisfactory work on all un-graded assignments, including Objective Memorandum #1 Facts and Discussion Section (see Class Expectations below). You may be required to revise and resubmit any un-graded assignments deemed to be unsatisfactory.
3. 10% – Compliance with course policies and class expectations, including class participation.

b. Course Expectations

As explained in more detail below, I expect you to

- Satisfactorily and timely complete all writing and citation assignments, graded and un-graded;
- Attend and demonstrate preparedness in class, in citation workshops, and in writing conferences; 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 and legal reasoning skills. I want you to use the assignments to practice writing and reasoning techniques, to learn from your teaching assistant’s and my feedback, to learn from your strengths and weaknesses and to improve. For each writing assignment turned in for review and evaluation, I will provide to you a checklist of my expectations for the assignment and will use the checklist to aid me in assessing the quality of your work. I will evaluate your performance based on the effort you demonstrate in doing the best work that you can on each assignment, the effort and skill you demonstrate in applying the principles discussed in the assigned reading and during our class meetings, and the effort and skill you demonstrate in revising your work.

**Timely complete assignments.** As in law practice, time management is an important aspect of our class. Just as untimely work is not acceptable to clients, senior partners, and judges, it is not acceptable to me. Therefore, I will not accept such conduct in this course. Ungraded assignments will not be reviewed if not submitted by the deadline. Graded assignments will 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 in limited emergency situations. As to emergencies involving serious illness (yours, a close friend’s, or a family member’s), accident, or the complete death of your computer (i.e., it blows up, the hard drive crashes), please call me, email me, or see me as soon as possible. Under such circumstances, I will delay the deadline for your paper to give you enough time to deal with the emergency and, if necessary, to catch up with your work in other classes. Bottom line: Meet all deadlines, if you know you can’t, let me know as soon as possible. I am far more likely to grant extensions of time to students who contact me before the assignment is due, than to those who see me on or after the deadline.

I will also permit any student, who upon prior notice to me is excused from class to observe a holy day of the student’s faith, a reasonable amount of time to make up material, activities or assignments covered or due during the students’ absence.

Requirements for make-up assignments and other work in this course are consistent with university policies that can be found in the online catalog at https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx.

**Attend class.** You are required to attend all scheduled class meetings, labs, writing conferences, and mandatory special events unless your absence is excused. Your final grade in the course may be lowered one level (e.g., B to B-) for each unexcused absence. Requirements for class attendance in this course are consistent with university policies that can be found in the online catalog at https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx.

**Demonstrate preparedness in class.** You are responsible for the information contained in all TWEN postings, handouts and assigned reading. I expect that you will have completed the assigned reading 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 during in-class group
exercises. This is not primarily a lecture course. 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. Un-preparedness may result in the lowering of your final grade.

**Demonstrate preparedness in writing conferences.** On several occasions as noted on the course calendar, you will be required to meet with your teaching assistant and me to confer about your work in the course. These conferences give you the opportunity to discuss your work in detail. I expect that before a writing conference you will have reviewed all comments written on your paper by your teaching assistant and by me. I expect that you will have reviewed all portions of our texts and other course materials relevant to the revisions you’ll need to perform. I expect that you will come to the conference with specific questions for your teaching assistant and me about your work and how to improve it. Un-preparedness may result in the lowering of your final grade.

Additional conferences may be scheduled whenever you or I see a need for them. You are also welcome to talk to me, either during my posted office hours or during an appointment that you schedule with me. You are particularly urged to speak with me if information you receive from a teaching assistant appears to contradict course readings or information from me.

**Demonstrate professionalism.** In three short years you will be representing clients in matters affecting their liberty, lives, and property. Now is the time to start taking this responsibility seriously. With this in mind, I expect that you will act professionally. By professionalism, I mean conforming to the technical and ethical standards of the legal profession as well as its etiquette and culture. Here are some rules, the violation of which may result in the lowering of your final grade.

1. **Produce professional quality work.** I expect that you have the ability and maturity to approach your work with diligence. I expect you to produce work that exhibits a professional quality in that it conforms to all format requirements and is carefully proofread. 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.

2. **In the classroom, act with courtesy.** What goes on in the classroom is critical to your education. You cannot afford to miss classes or fail to participate in them. You know what it is like when others disrupt your learning in the classroom. You know how disturbing it can be when another
student carries on a conversation with a neighbor, surfs the Net, strolls in late, leaves early, or wanders in and out. Be considerate. If you need to leave early, notify me and sit by the door.

3. **Follow my rules on using electronic communication devices in class.** Any electronic communication devices (computers, tablets, cell phones, and so forth) brought to class, must be turned off and stowed away unless I authorize your use of such devices for specific class purposes. You should bring a pen or pencil and paper to class to take notes. If you need paperwork from your computer for class, please print it and bring it with you to class. Audio recording during any class or other meeting is prohibited unless you receive prior permission from me. If you have a disability that requires using an electronic communication device, please immediately contact the Disability Resource Center (see § 13 below).

4. **During class, do not wear a baseball cap or similar apparel that obscures your face.**

§ 9 Responsibility for Other Classes

As lawyers you will be responsible for many clients or legal matters at the same time. When you are engaged in a big project involving one client, you must still attend to the legal affairs of your other clients. Likewise, when you are engaged in preparing an assignment for Legal Writing you are still responsible for attending your other classes and completing the work for those classes.

§ 10 Teaching Assistants; Review of Written Work

A teaching assistant will be assigned to each group of approximately four students to provide you with greater individual attention on your writing assignments and exercises in this course.

The teaching assistant (and I) will be available outside of class to answer specific questions you have regarding the course and course assignments. Keep in mind, however, that teaching assistants are not private tutors and you should avoid making excessive demands on their time. Your teaching assistant will provide you with a phone number and an e-mail address or other means of communication. Please limit phone calls to normal business hours unless the teaching assistant gives you permission to call in the evening. No questions regarding an assignment will be accepted after 5:00 p.m. the day before an assignment is due.

If you fail to attend a required conference and notify your teaching assistant in advance, your teaching assistant will reschedule the conference once. However, if you fail to attend the conference and notify your teaching assistant in advance a second time, your teaching assistant is not required to reschedule the conference.

Your teaching assistant may not do any of the following: assign a grade to a student; tell or indicate to a student what grade he or she will receive in the course;
assure the students that he or she will pass the course; grant an extension of time; excuse an absence.

Your teaching assistant or I or both will give you written feedback on each of your writing assignments. Students occasionally misunderstand the function of comments on your paper. Your teaching assistant (or I) will not point out every error or omission in your paper. Nor is it your teaching assistant’s responsibility to edit your paper sufficiently to ensure you any particular grade. The primary reason why teaching assistants cannot and should not have such responsibilities is that I wish to evaluate your work, not the teaching assistant’s. If the teaching assistant were responsible for fully editing your work I would only see what he or she can do, not what you can do. Giving the Assistant the responsibility for putting your paper into perfect (or passable) form would permit you to take a passive role, doing only what you are copying. Therefore, do not view the comments on your paper as a complete checklist.

Allowing your teaching assistant to review my comments on your paper will enhance your educational experience. If you are not willing to have your teaching assistant review my comments, however, please let me know in my office.

§ 11 General Requirements for Writing Assignments

a. Format. Any written assignment (unless otherwise stated in the specific instructions for the assignment) must
- be typed on white, opaque (not glossy) 8-1/2” x 11” paper with black ink,
- have a 1-inch margin on the top and bottom (the bottom margin should be one inch from the last line of the text, not from the page number) and a 1-inch margin on each side,
- use 12 point Times New Roman font,
- be double spaced (not space and one-half),
- contain page numbers at the bottom center of each page,
- not use bold type and must use the same font and type size throughout,
- have one space after each sentence,
- have paragraphs indented either 1/4 inch or 1/2 inch (you choose, but be consistent throughout your document)
- be easily legible,
- be bound in the upper left corner with a staple (do not use paper clips, special folders, or binders), and
- have stapled as the first page the signed cover sheet as set forth in the Supplemental Course Materials.

b. Proofreading. As mentioned above, submitting sloppy work is unprofessional. Excessive typographical, spelling, format, grammatical, or citation errors in a paper will either be reflected in the final grade, or be cause for the paper to be returned un-graded. You are allowed to correct the typed copy neatly in pen.
No writing assignment is complete until you’ve done the following: (1) spell-checked it, (2) printed out a hard copy, (3) proofread that hard copy, and (4) signed the cover sheet for the assignment.

Don’t proofread only from the screen. Far too many people have “proofread” on-screen, printed out the work, handed in the assignment and then, to their horror, discovered that they had submitted the wrong document. Always proofread the hard, stapled copy. Proofing the final, stapled version of your document ensures that you are reading the correct version of your document, and that your pages are in the right order.

c. Copies. Keep a copy of any work that you turn in. If you keep copies of your work, you protect yourself from having to re-do an assignment.

d. Turning in Writing Assignments. Turn in assignments only in class or to a secretary or me in the Legal Writing office (213 Martin Levin Advocacy Center) by the due dates indicated on the Course Calendar. Do not turn in assignments outside of class or outside of the Legal Writing office.

§ 12 Compliance with the Honor Code

In every aspect of this course you are bound by the Honor Code (all rules, codes, regulations, policies of the University and of the College of Law regarding student conduct) as well as the policies set forth below. Violation of the course policies below will subject the student to disciplinary action for academic dishonesty.

All work in this course must be your own. This means, for example, that you must do your own research, writing, and proofreading. I want to help you develop your skills; I can’t do this if the work I review isn’t your own. Only you, your teaching assistant, and I may review your work for purposes of planning revisions. Unless I specifically instruct you otherwise, you may not read another student’s work (either a present student’s or a past student’s), and you may not allow another student to read your work. Giving your work to another student violates the Honor Code’s “anti-collaboration” policy as much as does taking work from another student. If you share a computer with another person, please take special care to ensure that your work remains confidential. As in the practice of law, you alone are responsible for protecting the privacy of your work.

You may discuss cases, arguments, and citation techniques with each other. However, you may not give citation exercise answers to anyone nor may you receive answers to citation exercises from anyone, unless I have assigned a group citation exercise.

Be especially careful not to plagiarize. Use of any ideas, borrowed from anyone else without acknowledgment and presented as your own in your writing, constitutes plagiarism. Paraphrasing or quoting from, for example, a case or a law review article without properly acknowledging the source or without including quotation marks where such marks are appropriate constitutes plagiarism for the purpose of this course. You do not need to intend to plagiarize in order to plagiarize.
Thus, it is no defense for the plagiarizer to plead either ignorance of what constitutes plagiarism or lack of intent to plagiarize. So be careful — if plagiarism becomes an issue for any student, it will likely be the result of inadvertence or ignorance, rather than intent to misrepresent.

Avoid plagiarizing by properly using citation and quotation form. The following examples provide some guidelines. (See the Bluebook for other guidelines.) If you are using the exact language of the original, set the entire passage you have quoted inside quotation marks, with the citation following the closing quotation mark. If the quote is 50 words or longer, it should be set off by being single-spaced and indented, without quotation marks. What is within the quotation marks must be identical to the original unless you’ve indicated a change. Any changes should be indicated by brackets, and any omissions (except those at the beginning of a sentence), should be denoted by ellipsis. If you are paraphrasing an idea, you must also cite the original source. (This not only avoids plagiarism, it also gives your position more credence by showing that someone else has supported your view.)

Although you do not plagiarize if you clearly indicate quoted material, excessive use of direct quotation is frowned upon. By paraphrasing an idea, rather than using a direct quote, you show you understand the material well enough to put it in your own words. Your memorandum can thus be made more reliable. Remember, however, that paraphrased ideas must also be cited.

In the process of paraphrasing, you may allow small groups of words within the paraphrase to remain identical to the paraphrased material. Generally, it is not necessary to set off each group of words in quotations, but you must give credit to the source by proper citation. You should set off small groups of words in quotes when those words represent a precisely articulated legal doctrine or the pivotal part of a court's opinion or a secondary source's analysis. Commonly used legal phrases need not be set in quotation marks.

§ 13 Accommodation for Students with Disabilities

Students with disabilities requesting accommodation should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter, which must be presented to me when requesting accommodation. Students should follow this procedure as early as possible in the semester.

§ 14 Counseling and Wellness Center

The contact information for the UF Counseling and Wellness Center is http://www.counseling.ufl.edu/cwc/default.aspx, 392-1575.

§ 15 Student Evaluation of Instruction

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at https://evaluations.ufl.edu. Evaluations
are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at https://evaluations.ufl.edu/results/.

§ 16 Acknowledgment of Course Policies & Student Information Form; Résumé

After you have read this Introduction, please fill out the Student Information and Acknowledgment of Course Policies form below. Give this completed form to me. Also provide me with a copy of your current résumé. It is essential that you do this in order to receive a grade for this course.
STUDENT INFORMATION AND ACKNOWLEDGMENT OF COURSE POLICIES

Teaching Assistant: ________________________________

Semester: ________________________________

Student Name: ________________________________

Telephone Number: ________________________________

Email address: ________________________________

Address where any correspondence concerning your grade should be sent:

____________________________________________________________________________________

Professional goal: ________________________________

____________________________________________________________________________________

____________________________________________________________________________________

Accomplishment of which you are most proud: ________________________________

____________________________________________________________________________________

____________________________________________________________________________________

What skills do you expect to acquire from this course?

____________________________________________________________________________________

____________________________________________________________________________________

I have carefully read the Introduction to Legal Writing and Course Policies and Expectation section of Prof. Ruff’s Course Materials, including the subsections on grading, late papers, attendance, use of computers and other electronic devices in class, plagiarism, and collaboration.

Signature: ________________________________

Printed name: ________________________________