

## JACKSON

## LEGAL WRITING

FALL 2018

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### **TENTATIVE Syllabus & Course Calendar**

Course number: LAW 5792                      Credit hours: 2

Required texts:            **ALWD Guide to Legal Citation** (6th ed.)  
                                 **Core Grammar for Lawyers** (online access)  
                                 **Jackson, Legal Writing Course Materials** (on TWEN)

Recommended:            **Coughlin et al., A Lawyer Writes** (3d ed.)  
                                 **Dworsky, The Little Book on Legal Writing** (2d ed.)  
                                 Readings in these texts are optional.

**The primary objective of this course is to teach you how to analyze a legal issue rigorously and to express that analysis effectively in writing.**

Upon completion of the course 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 standards 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 good grammar, syntax, punctuation, and document format;
- Use legal citation correctly; and
- Revise, edit, and proofread your legal writing.

Policies concerning grading, attendance, academic dishonesty, formatting of written assignments, untimely submission of written assignments, and other matters are set forth in the course Administrative Policies (available on TWEN). Reasonable accommodations will be made for students with disabilities. Requests for such accommodations should be directed to the Student Affairs Office.

The Course Calendar begins below. Note that the schedule is tentative, and may change.

<b><u>Date</u></b>	<b><u>Assignment</u></b>
Aug. 13	Read <u>Lucy v. Zehmer</u> and be prepared to discuss the rules it establishes regarding contracts made while intoxicated or in jest. Class will focus on proving points with cases. Core Grammar for Lawyers Pre-test assigned.
Aug. 15	<b>Bring your laptop to class today.</b> Read Sample Memo #1, Introduction to Case Citation, and the course Administrative Policies (all on TWEN); draft a case summary paragraph for <u>Lucy v. Zehmer</u> . Class will focus on structure and function of office memos, citation, and thesis sentences. Optional: Coughlin, Introduction and ch. 1; Dworsky ch. 1-2, 6.
Aug. 19	<b>Due date for completion of Core Grammar for Lawyers Pre-test.</b>
Aug. 20	<b>Revised <u>Lucy</u> case summary paragraph due;</b> read Memo #1 fact pattern, statutes and cases (all on TWEN under “Memo #1 Materials”). Class will focus on synthesizing cases. Citation exercise assigned. Optional: Coughlin, ch. 4, 6.
Aug. 22	<b>Citation exercise due.</b> Class will focus on drafting effective case summary paragraphs, and citation. Optional: Coughlin, ch. 7.2; Dworsky ch. 3, 7-8, 10.
Aug. 27	<b>“Affirmative act” case summary paragraph due.</b> Class will focus on establishing necessary and sufficient conditions, and on case selection for Memo #1.
Aug. 29	<b>“Proximate cause” and “direct contact” case summary paragraphs due.</b> Re-read Sample Memo #1. Class will focus on substance and organization of Memo #1, intro & rule synthesis paragraphs, RE-RA connections, and concluding paragraph. Optional: Coughlin, ch. 9, 12.1.
Sept. 3	No class – Labor Day.
Sept. 5	Case summary paragraphs returned. Class will focus on common problems.
Sept. 10	<b>Memo #1 Discussion section due.</b> Read Passport Exercise materials (on TWEN). In-class passport exercise. Class will focus on legal analysis and rule application.
Sept. 12	Martin Simpson guest lecture. Readings TBA. Class will focus on principles of organization and elements of style.
Sept. 17	Read nuisance fact pattern, cases and office memo. Class will focus on rule synthesis paragraphs and rule application. Optional: Coughlin, ch. 8.
Sept. 19	<b>Nuisance rule application analysis due.</b> Memo #1 returned. Class will focus on common problems with Memo #1.

- Sept. 21 Moot Court Final Four competition [Friday @ 10:00 am].
- Sept. 24 Nuisance rule application analysis returned. Class will focus on client letter format and structure. Optional: Coughlin, ch. 17.
- Sept. 26 **Client letter preliminary draft due.** In-class work on formatting, structure, and substance of client letter.
- Sept. 30 **Due date for successful completion of Core Grammar for Lawyers Post-test.**
- Oct. 1 **Client letter final draft due.** Read Memo #2 fact pattern. Class will go over Memo #2 issues and assignments.
- Oct. 3 Class will go over preliminary sections of memo: question presented, brief answer, and statement of facts. Optional: Coughlin, ch. \_\_; Dworsky ch. 13.
- Oct. 3-8 Individual conferences on Client letter assignment.
- Oct. 8 **Memo #2 question presented, brief answer & statement of facts due.** Class will focus on Memo #2 substance and organization. Optional: Coughlin, ch. \_\_; Dworsky ch. 4-5, 11-12.
- Oct. 10 **Memo #2 outline due.** Class will focus on case selection and elements of style.
- Oct. 15 Memo #2 question presented, brief answer & statement of facts returned; class will focus on common problems.
- Oct. 17 Memo #2 outline returned; class will focus on common problems.
- Oct. 22 **Memo #2 complete draft due.** Class will focus on Email memo assignment fact pattern, format and structure, and on preparing for First District Court of Appeal oral arguments. Optional: Coughlin, ch. 18.
- Oct. 24 No class – rescheduled to Thursday @ 12:00.
- Oct. 25 **Special Class @ noon Thurs.** with Judge from First District Court of Appeal
- Oct. 29 **Email memo due.** Class discussion TBA.
- Oct. 31 TBA
- Nov. 5 Memo #2 drafts returned; class will focus on common problems.
- Nov. 6-9 Individual conferences on Memo #2 assignment – sign up on TWEN
- Nov. 7 No class – individual conferences
- Nov. 12 No class – Veteran’s Day
- Nov. 14 Final editing tips
- Nov. 19 Memo #2 final draft due;** course evaluation; exam-taking tips. Last class!

Nov. 26

Optional: Final exam legal analysis exercise

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## COURSE ADMINISTRATIVE POLICIES

### 1. Assignments; Grades

The principal assignments in this course consist of two office memos, a client letter, and an email memo. The second office memo will entail extensive research and submission of a preliminary draft. Other writing exercises will be assigned over the course of the semester as well. Some assignments will not be very time-consuming, but others will require substantial effort, and you should expect that by the end of the semester you will have spent more than twice as much time working on assignments outside of class as you have spent attending class.

Grades will be determined primarily on the basis of the final memo assignment, but class participation and course work throughout the semester also may be taken into account in determining the final grade. See also section 6 and “Grading Standards for Final Memo” below, and the law school grading policy at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

### 2. Collaboration on Writing Assignments

Written work must be done independently. Unauthorized collaboration is an Honor Code violation. **Do not read any other student's work, and do not share your written work with any student other than your TA**, unless you have obtained my written permission to do so. Giving your work to another student violates the collaboration policy as much as taking work from another student does. If you use a typist, that person may not edit or direct you to edit what you have written.

You are **permitted to discuss ideas** relating to the writing assignments, and the importance or interpretation of cases. Such discussion is often helpful in refining and testing your interpretation and analysis. However, do not discuss which cases you plan to use in your memo, or how you plan to use them. Instead, frame your discussions around the legal issues. It's fine to say “I don't think the Cohen decision contributes anything to the analysis of the ‘clear and present danger’ test,” but don't say “I'm not planning to discuss Cohen in my memo.”

### 3. 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. (Citing the original source when you paraphrase not only avoids plagiarism, it 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 source.

When you cite to a case you are representing that the court opinion supports the proposition you've 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.**

#### 4. **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, and should be done after you print the document you plan to turn in, even if you've already "corrected" it on the computer screen. 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. You are allowed and encouraged to correct the typed copy neatly in pen.

#### 5. **General Requirements for Writing Assignments**

All papers should be typed in 12-point Calibri font, with 1¼-inch margins on the left and right. Do not justify the right margin. Papers should be double-spaced, except for the heading, which should be set forth as follows:

To: Joe Jackson/[insert your TA's name here]

From: [insert your name here]

The document should be printed on one side of the page, using black ink on white paper, and should be stapled in the upper left hand corner (without a cover sheet). Page numbers should be located at the bottom center of each page.

#### 6. **Class Attendance and Assignment Due Dates**

Class attendance and assignment due dates are mandatory. Excessive unexcused absences may result in a downward adjustment of your final grade or your dismissal from the course. Assignments turned in more than five minutes late will be noted as untimely; assignments turned in more than one hour late will be deemed delinquent. Unless the delay is excused, submission of multiple untimely assignments, or submission of any delinquent assignment, may result in a downward adjustment of your final grade. Printer or computer failures, errors, and the like generally do not constitute a satisfactory excuse for failing to turn in an assignment on time. I therefore urge you to prepare for such contingencies: back-up your work, and plan to print your document long enough before the deadline to find another printer in case the one you're using fails.

## Grading Standards for Final Memo

- A or A-:** The memo 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 memo 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 memo lacks some of the sophistication present in an A or A- paper.
- B:** The memo constitutes a solid, well-reasoned and professional piece of work. The organization of the memo, the writing style, the use of citation and the formatting of the memo demonstrate mastery of the basics of memo-writing and citation.
- B- or below:** The memo 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.