

**Legal Writing**  
**LAW 5792, Class 17742 (Section T)**  
**Fall 2018**

Instructor: Timothy McLendon  
Mondays & Wednesdays, 3.00pm  
Holland Hall, Room 285B

SYLLABUS

**Professor:** Timothy McLendon  
**Office:** 230 Bruton-Geer Hall (on the 2<sup>nd</sup> floor, in the office suite of the Center for Governmental Responsibility)  
**Telephone:** (352) 273-0835  
**E-mail:** [mclendon@law.ufl.edu](mailto:mclendon@law.ufl.edu)

**Office Hours:** Tuesdays, 9.30-10.30am  
Wednesdays, 10.00-11.30am  
Thursdays, 3.30-4.30pm  
and always by appointment.

**Required Textbooks:** Linda Edwards, *Legal Writing: Process, Analysis & Organization* (6<sup>th</sup> ed., 2016).  
*Core Grammar for Lawyers* (software), by Carolina Academic Press.  
*The Bluebook: A Uniform System of Citation* (20<sup>th</sup> ed., 2016).  
Additional Course Materials available on TWEN  
(These books will also be used during spring 2018 for Appellate Advocacy.)

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

**Course Objectives:**

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 good grammar, syntax, punctuation, and document format;
- 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.

### **Grading:**

There are two major writing assignments in this course: the first is due in mid-semester, while the final assignment is due towards the end of the semester. We will review and critique your submitted assignments, and you will usually have the opportunity to revise your assignments.

Your grade in the class will be determined primarily by your performance on your **final** writing assignment (**WA #5**). This assignment will serve as your 'final exam', and will offer you the opportunity to apply the skills you develop during the course.

Timely and satisfactory performance in all class activities and interim assignments is also required. Thus, 70% of your grade is based on the final written assignment, and 30% on your timely and satisfactory performance on all other written assignments, in-class quizzes, citation and grammar exercises, writing conferences, as well as on your class participation.

30% Participation (includes successful and timely completion of all assignments, in class exercises, and oral argument presentations)

70% Final Memo

In addition, to pass the class you must satisfactorily complete the *Core Grammar* pre-test and every module for which you do not “test out” in the pre-test. Please note that *Core Grammar* has a post-test as well; you will be required to complete that test post-before Monday, 1. October, with a minimum score of 85.

**Information on Accessing *Core Grammar*:**

1. Go to <http://coregrammar.com/getcgl> 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 "UFL2018" in to 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 on to create your Core Grammar for Lawyers account.
5. To activate your subscription, enter this exact Class Code (which is unique for our section): **318-72-5663**.
6. You will be able to start using CGL immediately. However, before we meet for Week 2 of classes, you must take the Pre-Test (available on a link from the home page or “Bookshelf”).

**Grade Values for Conversion:**

Letter Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E
Grade Points	4.0	3.67	3.33	3.0	2.67	2.33	2.0	1.67	1.33	1.0	.67	0

The law school grading policy is available at: <http://www.law.ufl.edu/students/policies.shtml#9>. Requirements for class attendance, and make-up exams, assignments, and other work in this course are consistent with University of Florida policies that can be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

**Policy regarding late submission of assignments:**

If you turn in a writing assignment, and have not received prior permission from me, the grade on **that assignment** will be lowered by one letter grade for every 24 hours the paper is late. Your FINAL GRADE will be lowered by one step (for example, B+ to B) for every 48 hours any paper is late. If you have an emergency, you must contact me at your earliest opportunity to obtain a special arrangement. There is no guarantee that I will allow any special arrangement or late submission of work absent a true emergency. This is the same professionalism you would be expected to provide to your law partner, a judge, or a client. Your professional career starts now.

If you have a religious holiday that falls on a class date or assignment due date, please contact me BEFORE that holiday to make arrangements. However, it is the University of Florida's policy to accommodate religious holidays, and that policy will be honored.

**Attendance:**

We will take attendance during each class period. You are permitted to miss two classes without penalty. Your participation grade may be lowered due to additional unexcused absences. Missing more than six classes will result in a failing grade in the course. Excessive tardiness may also result in a grade penalty.

**Class Participation:**

Students are expected to complete all readings prior to class. Your readings are outlined in the syllabus. Additional readings may be assigned during the semester and posted to the TWEN site for this course.

Your participation grade is based on not only in class participation, but also on your successful completion of all assignments. Each assignment will be evaluated for completeness, accuracy and timeliness.

**Other Policy Statements**

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

The law school policy on delay in taking exams or submitting other assignments can be found at: <http://www.law.ufl.edu/students/policies.shtml#12>.

B. Statement related to accommodations for students with disabilities.

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

C. Evaluations.

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 informed when they are open. Summary results of these assessments are available to students at: <https://evaluations.ufl.edu/results/>.

#### D. Honor Code.

*Collaboration.* You are bound strictly by the Honor Code. We will have some in-class group assignments. However, 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 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.* Representing another's work as your own constitutes plagiarism. Further, 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. It is no defense to a charge of plagiarism to plead ignorance of what constitutes plagiarism or lack of intent to plagiarize.

#### E. Format Requirements.

All writing assignments this term should be written in 12-point Times New Roman font, double-spaced, and NOT right-justified so that the text has a jagged edge on the right (like the text in this document). Each page should be numbered (bottom, center), and all citations should comport with the rules of *The Bluebook* or FLORIDA RULES OF APPELLATE PROCEDURE 9.800.

#### F. Class Preparation.

This course complies with ABA Standard 310. The required readings for this course, posted below, will require approximately 120 minutes of reading and preparation for each class session.

#### G. Your Responsibilities 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.

**Overview of Major Assignment Deadlines (due via TWEN by 11.59pm on date listed):**

August 29	Writing Assignment #1 [Case Description]
September 24	Writing Assignment #2 [Facts and Discussion of 1 <sup>st</sup> issue]
October 15	Writing Assignment #3 [Client Letter on 1 <sup>st</sup> issue]
October 29	Writing Assignment #4 [E-mail summarizing issues for 2 <sup>nd</sup> memorandum & optional Outline of 2 <sup>nd</sup> Memo]
November 19	Writing Assignment #5 [Full memorandum on 2 <sup>nd</sup> issue]

In addition, you will need to complete 5 exercises in the Interactive Citation Workstation (ICW) on Lexis by the following deadlines:

September 12	ICW exercise #1 (case names)
September 19	ICW exercise #2 (case location)
September 26	ICW exercise #3 (court & date)
October 10	ICW exercise #5 (short forms of cases)
October 17	ICW exercise #13 (signals)

Note that these can be completed ahead of schedule, but they must be completed by 11.59pm on the deadline.

**Class Schedule:**

Classes will generally meet Mondays and Wednesdays at 3.00pm in Room 285B. **Note:** This is a tentative syllabus - assigned readings and assignment due dates may change.

**Outline of the Course:**

**Monday, August 13, 2018**

**Read:** Course syllabus & calendar; Edwards text, introduction & chapter 1; 1<sup>st</sup> Day Assignment on TWEN (DWI Issue)

**Discuss:** Welcome to Legal Writing; Overview of course; DWI Issue (Facts, Statute & Case)

**Wednesday, August 15, 2018**

**Read:** Edwards text, chapter 2

**Discuss:** Overview of Legal Authority; Legal Reasoning

**Friday, August 17, 2018**

**Complete the Core Grammar pre-test** (allow ca. 90 minutes to do this exercise)

**Week of August 20-24, 2018**

**Short TA group introductory meetings with Prof. McLendon**

**Monday, August 20, 2018**

**Read:** Edwards text, chapter 4

**Discuss:** Reading & interpreting cases; IRAC/T-FIHRR; first case for Memo # 2, *State v. Hunter*, 586 So. 2d 319 (Fla. 1991).

**Wednesday, August 22, 2018**

**Read:** Edwards text, chapter 7 & FLORIDA RULES OF APPELLATE PROCEDURE 9.800

**Discuss:** Using cases in legal analysis

**Monday, August 27, 2018**

**Read:** Edwards text, chapter 5 & 6

**Discuss:** Synthesizing rules from several cases

**Wednesday, August 29, 2018**

**Writing Assignment #1 due** (Case Description – *State v. Hunter*)

**Read:** Materials provided

**Discuss:** Using BaRAC

**Monday, September 3, 2018**

**Labor Day - No Class**

**Wednesday, September 5, 2018**

**Read:** *Bluebook*, pp. 1-13 (through B.10.1.3), and Edwards text, chapter 14

**Discuss:** Review of Case Discussion; Introduction to citation

**Monday, September 10, 2018**

**Read:** Materials provided for September 10

**Discuss:** Introducing the first memo

**Guest Speaker:** **Prof. emeritus Don Peters**

**Wednesday, September 12, 2018**

**ICW Exercise #1** – completed by 11.59pm

**Read:** Edwards text, chapter 7

**Discuss:** Rule explanation

**Monday, September 17, 2018**

**Read:** Edwards text, chapter 9

**Discuss:** Global introduction

**Wednesday, September 19, 2018**

**ICW Exercise #2** – completed by 11.59pm

**Discuss:** Rule application

**Friday, September 21, 2018**

Attend Moot Court Final Four Competition before Florida Supreme Court justices.

Time TBA

**Write and submit to me & your TA by e-mail a 150-200 word evaluation of the Moot Court Final Four Competition (due by 11.59pm).**

**Monday, September 24, 2018**

**Read:** Edwards text, chapter 13

**Discuss:** Drafting preliminary sections (Facts)

**Wednesday, September 26, 2018**

**Writing Assignment #2 due** (Facts & Discussion section of 1<sup>st</sup> issue)

**Read:** *Bluebook*, pp. 1-13, 78-79, 117; review Edwards text, chapter 14

**Discuss:** Thesis sentences; Citations (signals & short form cites)

**Monday, October 1, 2018**

**ICW Exercise #3** – completed by 11.59pm

**Guest Speaker: Prof. Deb Cupples**



**Wednesday, October 3, 2018**

**Read:** Edwards text, chapter 13

**Discuss:** Drafting preliminary sections (Question Presented, BA & Facts); Common issues with Writing Assignment #2

**Monday, October 8, 2018**

**Read:** Edwards text, chapter 16; *Bluebook*, Rule 5 (pp. 82-86).

**Discuss:** Drafting client letters; citation (quotations); Evaluating QP, BA & Facts

**Wednesday, October 10, 2018**

**ICW Exercise #5** – completed by 11.59pm

**Read:** Materials provided

**Discuss:** Introducing 2<sup>nd</sup> issue for final memo

**Monday, October 15, 2018**

**Writing Assignment #3 due (Letter to Client about 1st issue)**

**Read:** Materials provided

**Discuss:** Global introduction & rule explanation for 2<sup>nd</sup> issue

**Wednesday, October 17, 2018**

**ICW Exercise #13** – completed by 11.59pm

**Discuss:** Drafting QP, BA & Facts for 2<sup>nd</sup> issue

**Monday, October 22, 2018**

**Discuss:** Review QP, BA & Facts using a rubric

**Wednesday, October 24, 2018**

**Discuss:** Drafting professional e-mail communications

**Thursday, October 25, 2018**

Special Class at noon with a Judge from First District Court of Appeal

9.00am – oral arguments with First DCA in Levin Advocacy Center courtroom

**Monday, October 29, 2018**

**Writing Assignment #4 due (E-mail summarizing Memo #2 & optional outline of discussion section of Memo #2)**

**Discuss:** Common issues & editing tips for Memo #2

**Wednesday, October 31, 2018**

**Guest Speaker:** Neil Chonin, former Director, Legal Services of Greater Miami

**Week of November 5-9, 2018**

**Writing conferences with Prof. McLendon (have specific questions prepared)**

**Monday, November 5, 2018**

Symposium on externships & summer opportunities

**Wednesday, November 7, 2018 – No Class**

**Monday, November 14, 2018**

**Read:** Checklist for Writing Assignment #5; common issues

**Discuss:** final editing tips; citation issues

**Wednesday, November 14, 2018**

**Discuss:** Last Class; course evaluation; exam-taking tips.

**Monday, November 19, 2018 – No Class**

**Writing Assignment #5 (Full Memo #2) due by 11.59pm**