

MATERIALS

Legal Writing – Law 5792 (§Q) – fall 2018 – 2 credits

Class meets M/W at 3 pm in 360 Holland

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377 Holland Hall
Office phone – 273-0885

Office hours: M/Th 10:30 - 12:30; available other times by arrangement. My office hours will be expanded during the periods before assignments are due in order that all who want to will be able to meet with me. Contact me if you are unable to find a convenient time to meet with me; I generally respond to emails fairly promptly.

Course Website:

- TWEN (Westlaw) Legal Writing and Appellate Advocacy course (2018-19) (Pflaum)*
(Sign up for TWEN access through Westlaw before the first day of class by using your ufl.edu mail address **only** -- the law school email system filters out AOL and other email accounts. No password required).

Required texts:

- *Legal Writing by Design*, Rambo and Pflaum (2d ed) (*Design*)*
- *The Bluebook: A Uniform System of Citation* (20th ed.) (*The Bluebook*) *
- Core Grammar for Lawyers – online access. Purchase instructions:
Go to <http://coregrammar.com/getcgl> in your browser.
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.
On the payment page, enter "UFLL2018" into the Access Code field. Your discounted price will appear immediately.
Enter your credit card information below, verify the purchase, and continue on to create your Core Grammar for Lawyers account.
You will be able to start using CGL immediately. Our course is listed as: Legal Writing section Q -- Pflaum Class code: 318-72-1254.

*You will also use these texts in Appellate Advocacy during the spring 2019 term.

COURSE GOALS AND OVERVIEW

Welcome to Legal Writing. This is the first of two courses designed to get you thinking and writing like lawyers. This semester you will learn the skills necessary to write an objective (predictive) memorandum; next semester, in Appellate Advocacy, you will write a persuasive brief to an appellate court, and present an oral argument.

As a lawyer as well as a professor, I teach this course as though I am your “partner” in a law firm (or your supervising attorney in the State Attorney’s office). I’m working *with* you, our junior associates/externs/law clerks. As a partner or supervising attorney, I’ll review your written work. Because in legal writing, every word, every comma, counts, when I review your papers, I’ll closely scrutinize *everything*. I will write comments on your papers, suggest changes, and question what you’ve written. That’s my job. I have only this semester and the next to make you the best writer you can be. This is the only writing course of its kind you’ll have in law school. I promise to challenge you, and to help you improve your writing. By the end of this semester, you’ll have a writing sample you can be proud of.

The reading assignments and Writing Assignments are to be completed before class meetings. The writing text that we will use is one I co-authored with Professor Reid, entitled *Legal Writing By Design* (2d ed.) from which we receive royalties. My financial interest in assigning this text accords with University procedures.

You must be prepared to discuss the reading assignments on the date for which they are assigned and be prepared for the in-class exercises. This is not a lecture course. You will be expected to participate in exercises during class meetings that apply the principles covered in the assigned readings. The course is very front-loaded; there is a great deal of reading and assignments required for the first few weeks of class, so plan accordingly.

Course Learning Outcomes

The primary objective of this course is to teach you how to thoroughly analyze a legal problem and 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 client facts and evaluate their relevance to legal issues involved;
- 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.

ABA Standard 310 requires a 2 to 1 ratio between the out-of-class hours a student devotes to every 1 hour of in-class instruction. For these purposes, our 50 minute classes equal 1 hour of in-class

instruction, but an out-of-class hour must be 60 minutes.

Core skills for lawyers

Effective legal research and oral and written communication are core skills every lawyer must master. The importance of these goals in your professional careers is corroborated by a survey cited in an article by Bryant G. Garth & Joanne Martin, *Law Schools and the Construction of Competence*, 43 J. Legal Educ. 469, 488 (1993). The survey asked hiring partners in a large city which skills they expected applicants to bring to the job and which could be developed after hiring. Here are some partial results of that survey:

	<u>Bring</u>	<u>Develop</u>
library legal research	92	9
oral communication	91	9
written communication	90	10
legal analysis and reasoning	81	19
knowledge of substantive law	30	70
knowledge of procedural law	28	72
understanding and conducting litigation	6	94

A more recent survey of hiring partners and recruiters in law firms¹ lists writing as one of the five basic skills lacking in new attorneys. Essentially, no matter how well you know the law, that knowledge alone has little value unless you can find support for it and communicate it effectively in a form that is useful to another attorney or to a court.

Our course this semester has four components designed to assist you in achieving the skills that law firms find most crucial:

- Writing assignments designed to teach you how to interpret and apply the law to facts;
- Citation exercises – to learn proper citation format for your writing assignments;
- Conferences with teaching assistants and with me to review your written work; and
- In-class discussions and exercises.

If you make a real effort to thoroughly accomplish these components of the course, you'll leave the first year with the skills you need to be an effective legal extern or law clerk, and later a skilled practicing attorney. When you skimp on assignments or take shortcuts, you are cheating yourself of the education you are here to receive.

To achieve the goal of helping you produce good legal writing, I will do the following:

1. Evaluate your writing during the writing process to determine whether it meets the needs of your reader and achieves your intended goals and assist you in making valid choices in writing and analysis to better meet the needs of your reader.

¹. Katy Montgomery and Neda Khatamee, *What law firms want in new recruits*, New York Law Journal (May 28, 2009).

2. Assist you in learning that effective legal writing requires disciplined, hard work, and the willingness to rewrite as often as needed to accomplish your goals. Effective legal writing doesn't involve sitting at your computer and writing a document from beginning to end; instead it requires continuous revisions to refine and clarify your thoughts.
3. Assist you in accepting the premise that a writing assignment is not a quiz on the skills you already know, but a method by which you learn by doing; that is, by thinking about and absorbing the criticism you receive on an assignment.
4. Function as your coach, mentor, and supervisor in all your writing assignments.

Although I can guide you through the process of legal writing by discussing with you in advance of an assignment the issues, your goals, your intended reader, and possible approaches to an assignment, I **cannot** tell you in advance the ideal way to do an assignment because there is no ideal way.

To become a competent legal writer requires knowledge of basic legal analysis and lots of practice, and much of what you need to learn cannot be fully explained. In other words, I can't tell you exactly what to do; you must learn to analyze and make critical decisions for yourself. This course, and indeed much of law school, will be unlike your education prior to law school. As an attorney, you will be required to take action, make crucial (sometimes life and death) decisions on behalf of others, and second-guess those actions and decisions. Given the enormity of the future professional requirements ahead of you, my requirements in this course are not that onerous.

You are going to discover that legal writing is unlike any other writing you have done in the past, and requires learning an entirely new system of writing with respect to format, citation, and language, but that you will use the grammar rules you already know. The format for an office memorandum is somewhat inflexible for a beginning writer, but there is room for creativity in the analysis and arguments you make, assuming that you adhere to the rules of law found in the authorities. At times the process of legal reasoning and writing will be very frustrating, but your TA and I are always available to guide you through the process.

COURSE POLICIES

ATTENDANCE POLICY

You are required to attend all scheduled class meetings, writing conferences, and mandatory special events. I will send around an attendance sheet at the start of each class; it is your responsibility to initial next to your name to indicate your presence in class that day. It is an honor code violation to sign the sheet for another student. The American Bar Association has strict requirements about minimum hours of class attendance, and suggests that absences in excess of 15% of class meetings should preclude a student from receiving credit for the course. For our two credit course, this would be 4.5 absences, which I'll round up to 5. More than 5 absences will result in a failing grade in the course. Excessive tardiness will also result in a grade penalty.

EXAM / QUIZ POLICY

There is no final exam in this course; occasionally however, there may be "pop quizzes" during the semester. These scores will count as part of your participation grade.

CORE GRAMMAR FOR LAWYERS AND INTERACTIVE CITATION WORKSTATION:

We will use several asynchronous (meaning “not simultaneous or concurrent in time : not synchronous”) learning activities during the semester, including but not limited to Core Grammar for Lawyers and the Lexis/Nexis Interactive Citation Workstations (ICWs).

HONOR CODE

Because this is a writing course, I’d like to point out some aspects of the Honor Code which are especially relevant to Legal Writing and to Appellate Advocacy. I’m emphasizing these policies here *not* under the assumption that anyone will cheat, but rather to alert you to what is and isn’t permitted.

Honor code. In every aspect of this course -- i.e., from written assignments of all types, to meetings with me and your teaching assistants, to class attendance -- you’re strictly bound by the Honor Code (i.e., all rules, codes, regulations, policies of the University and of the College of Law regarding student conduct, academic and otherwise, as well as the policies set forth below). The UF Student Honor Code can be found at <http://www.dso.ufl.edu/students.php>.

Collaboration. *All work in this course must be your own unless I specifically tell you to work with another student.* This means that you must do your own 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. You may discuss cases, arguments, and citation techniques with each other; however, don’t specify which case law you intend to use in your open memo, or discuss how you plan to use cases. You may not give answers to anyone, nor may you receive answers from anyone. You will be divided into teaching assistant groups of approximately 4-5 students, and these groups will be used for in-class activities including writing labs, exercises, and case discussions. Your teaching assistant (TA) will also assist out of class with assignments. The TAs are great mentors and can be a helpful resource in navigating law school.

Unless I specifically instruct you otherwise, you may *not* read another student's work (past or present student), and you may *not* allow another student to read your work. You may also not allow any other person (except your TA, me, or a tutor at the UF Writing Studio on main campus) to read and comment upon your work. Written work must *all* be done by *you* independently, and must, in every respect, be your own work-product. You are not allowed to work together or read each others’ assignments unless I so direct. Further, please be aware that *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. If you need help, or have questions about this policy, please contact me or your teaching assistant.

Plagiarism. Be especially careful not to plagiarize. 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. Any paper evidencing plagiarism will automatically receive a failing grade. Please also be aware that it is no defense to plead either ignorance of what constitutes plagiarism or lack of intent to plagiarize.

If you’re using the exact language of the original text, set the entire passage you’ve quoted inside quotation marks, with a citation to the source, following the closing quotation mark. 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 occurring at the beginning of a sentence), should be denoted by ellipsis (. . .). If you’re 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 a legal authority has supported your view.

Bottom line. Violation of the Honor Code or the policies stated above will result in failure in the course. Don't read any other student's (present or past) paper(s) concerning our assignments and don't let anyone else read your work. Please come see me if you have any questions about the Honor Code.

GRADING POLICIES

Legal Writing is graded by letter and is subject to the mandatory grade curve established by the College of Law. The principal assignments in this course consist of a case brief; two office memos; a client letter; and an email memo. The second office memo will require extensive research and submission of a preliminary draft (the email memo). Other writing exercises will be assigned over the course of the semester as well, often during class. Some assignments will not be very extensive, but most will require substantial time and effort. Grades will be determined primarily on the basis of the final memo assignment, which I view as the equivalent of a final exam, demonstrating all you have learned throughout the course, but class participation and other assignments during the semester also may be taken into account in determining the final grade. Here's the breakdown:

1. Final Memorandum (WA #5): 80%
2. Participation: 20%
This includes satisfactory and timely work on all assignments (including the Core Grammar for Lawyers and ICW citation exercises); class participation; and compliance with course policies and class expectations. (see Class Expectations below)

I will also give you an advisory letter "grade" on the Case brief (WA #1); First Memo (WA #2); the Client Letter (WA #3); and the Email assignment (WA #4) to advise you on your progress during the semester.

Information on UF Law grading policies

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

The law school grading policy is available at:
<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies>

COURSE EXPECTATIONS

I expect you to:

- [1] satisfactorily and timely complete all writing, and citation assignments and exercises;
- [2] attend and demonstrate preparedness in class and in writing conferences; and
- [3] demonstrate professionalism.

What this means:

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, to learn from the feedback you receive from your teaching assistant and me, to learn from your strengths and weaknesses, and to improve.

For each assignment, I will explain my expectations for the project and will sometimes use a checklist I will provide you in advance of the assignment 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 you demonstrate in applying the principles discussed in the assigned reading and during our class meetings, and the effort you demonstrate in revising your work.

To read over and comment on each paper generally takes an hour or longer; to save time and avoid repetition of similar comments that often arise, on some assignments I may prepare and distribute (by an attachment to your paper) or by posting on TWEN, a general comment sheet. If I do prepare such a sheet, please review it carefully even if my comments on your paper do not refer you to this sheet. It is your responsibility, before you turn in each paper, to check format, run “Spell Check,” proofread, and review your citations. My comments on each paper will focus on the main points; if I do not note, fix or revise something, it does not necessarily mean that it is ideal or that it could not benefit from revision and rewriting. I will strive to address the “big picture” (organizational, analytical problems, or difficulties identifying the issue), before I address grammatical or citation errors. Generally, I will try to comment on all aspects of the assignment, but will not be inclusive at all levels of review.

The following rubric explains the difference between satisfactory and unsatisfactory written analysis:

Legal Writing Grading Rubric for Final Document

	Satisfactory (Demonstrates professional ability in skill)	Unsatisfactory (Fails to demonstrate minimal professional ability in skill)
Conceptualization	Identifies and addresses all relevant legal issues; contains all necessary aspects of legal analysis using one or any combination of deductive, inductive, or analogical reasoning.	Fails to identify or address all relevant legal issues; does not contain necessary aspects of legal analysis using deductive, inductive, or analogical reasoning.
Organization	Places all issues and analysis in a logical framework and sequence so that the reader may readily understand the legal analysis.	Does not place issues and analysis in a logical framework and sequence and thereby fails to effectively communicate the legal analysis to the reader.
Articulation	Conveys information with a professional degree of correctness, clarity and precision and a lack of ambiguity; contains correct and appropriate citation to authority.	Conveys information ineffectively due to ambiguity, imprecision or lack of clarity; contains serious and substantial errors in grammar, punctuation, usage, or spelling; citation to authority is incorrect or lacking.

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.

I will not review assignments if not submitted by the deadline. They will be considered to be unsatisfactory. Your final grade will be lowered one level (e.g. B to B-) for each assignment not submitted by the deadline. The grade on your final writing assignment will be lowered one level (e.g. B to B-) for every day or portion of a day that the assignment is late. An assignment will not be accepted if it is more than three days late.

I will excuse late submissions only 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. Bottom line: Meet all deadlines. If you know you can't, let me know as soon as possible, as a professional attorney would do for a judge or supervising attorney. 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.

Demonstrate preparedness in class

You're responsible for the information contained in all TWEN 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 during in-class group exercises. I will not use our valuable class time to reiterate what you've read. Instead, I will use class meetings to give you practice using the skills and applying the principles covered in the assigned reading via group exercises. 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.

Unpreparedness may result in the lowering of your final grade.

Demonstrate preparedness in writing conferences

You will be required to meet with me to confer about your work in the course. 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 text and 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.

Unpreparedness may result in the lowering of your final grade.

No conferences will be held within 24 hours prior to an assignment due date. This rule applies to conferences with me and with your TA.

Demonstrate professionalism

In three short years you will be representing clients in matters affecting their liberty, their lives, and their property. Now is the time to start taking this responsibility seriously. With this in mind, I expect that you will conduct yourself professionally. By professionalism, I mean conforming to the technical and ethical standards of the legal profession as well as its etiquette and culture and conforming to my course policies.

•Professional Quality Work

Although I do not expect that you, as a first-year law student, will possess the skills necessary to produce sophisticated legal analysis, I do 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. It must conform to all format requirements and must be 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.

•Professional Conduct in Class

In law practice, your role as a member of the legal profession and as an officer of the court requires that you conduct yourself with honor, courtesy, civility and professionalism. I expect this conduct in class. This means arriving on time, focusing on what is going on in class, and not distracting others. I expect each of you to listen courteously to your colleagues, even if they express ideas you do not agree with.

Silence cell phones and store them away; if your phone rings, I may ask you to leave class.

Do not wear hats in class.

You may not record class sessions without my express consent.

Responsibilities to other classes

As attorneys, you'll be responsible for many clients at the same time. When you're engaged in a big project involving one client, you must still attend to the legal affairs of your other clients. Likewise, when you're engaged in preparing an assignment for this course, you still must attend and complete the work for your other classes.

OFFICE HOURS

Please contact me by email if you have any questions regarding this course or an assignment. My office hours are posted on the first page of this syllabus and also on the TWEN site. If you would like to meet with me, please make an appointment on the TWEN site (Use the “Sign up sheets” link) by signing up for an available time slot, or come see me in my office (377 Holland Hall). If it is not possible for you to meet with me during the designated office periods, contact me at pflaum@law.ufl.edu or at 352-273-0885, and we’ll arrange a mutually convenient time. If I am unavailable and you need immediate help, you may contact my administrative assistant, Bre Lamb, at 273-0662 or blamb@law.ufl.edu.

CLASSROOM ACCOMMODATION

Students requesting classroom accommodation must first register with the Dean of Students Office: <http://www.dso.ufl.edu/drc/> . The Dean of Students Office will provide documentation to the student who must then provide this documentation to me when requesting accommodation. Accommodations are not retroactive; therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations and provide it prior to submitting assignments or taking the quizzes or exams.

ACADEMIC AND OTHER RESOURCES

Resources are available at <http://www.distance.ufl.edu/getting-help> for:

1. Counseling and Wellness resources
2. Disability resources
3. Resources for handling student concerns and complaints
4. Library Help Desk support
5. As indicated under the section on the honor code, you may use the Writing Studio, a free student service on main campus (302 Tigert Hall, 352-846-1138), for help in organizing, formatting, and writing your assignments. The Writing Studio provides one-on-one tutoring, online tutors, and video resources. Check the website at <https://writing.ufl.edu/writing-studio/> for the available services or to schedule an appointment.

Should you have any complaints with your experience in this course please visit <http://www.distance.ufl.edu/student-complaints> to submit a complaint.

WHAT YOU CAN EXPECT IN CLASS

Although we have many rules regarding the format for writing assignments and standards of professionalism, I can assure you that they’re not hypothetical or contrived for our class. *Actual* court rules regarding written documents are even more stringent than ours. And in the competitive atmosphere of the actual practice of law, those who have higher standards of professionalism are going to fare far better than those who don't.

As a soon-to-be member of the legal profession and an officer of the court, I expect you to conduct yourself with integrity, civility, and professionalism in class, and listen courteously to your colleagues, even if the ideas they express are not agreeable to you; you will be given the same uninterrupted opportunity to express your own ideas.

This is a class in THINKING as well as researching and writing, and I want us to have a lively exchange of ideas. I want you to argue with me, and with each other (in an entirely civilized manner, of course). You shouldn't agree with all of the views I'll express in class; sometimes I'll play "devil's advocate." I want you to think for yourself and form your own opinions concerning the cases and arguments we'll be addressing. I hope to learn *from* you, and look forward to doing so.

Therefore, I encourage you to volunteer and participate in class. If you want to contribute to the class discussion, raise your hand to be recognized. And, when you do speak, do so loudly and clearly so that everyone in the class can hear your ideas. I also like to call on people in class, but please don't panic. If you're unprepared, just let me know ahead of time, right before class is fine, and I won't call on you that day. If I don't hear from you ahead of time, I'll know you're ready.

At times, I may ask one or more of you to come to the front of the class, and have the class or myself ask you questions. It's not my intention to pick on you or to embarrass you. I want you to have the experience of thinking on your feet and speaking before others to help you prepare for law practice which will require you, at times, to present an argument on behalf of your client. With this experience comes confidence. If I do call on you, I may also write what you say on the board. When you're in the courtroom or the judge's chambers, often your every word is recorded by the court reporter. You've got to be able to state precisely what you mean, and you've got to mean what you say.

COMPUTER USE

Please observe the following law school policy about use of computers in classrooms:

“Students may use laptops for note taking and for class purposes as directed by the professor. Other uses are not permitted, including, but not limited to, email, chat rooms, instant messaging, ecommerce, game playing, etc.”

Here's my policy, and I will end all in-class computer use if it is violated:

Electronic devices (laptops, tablets, cell phones) must remain stowed away during class time. Please plan to take notes with paper and pen or pencil; studies have shown consistently that the physical work of writing down notes increases your retention of the material. However, we will be using computers in class occasionally, so do plan to have it available.

Netiquette: Communication Courtesy: All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats.

<http://teach.ufl.edu/docs/NetiquetteGuideforOnlineCourses.pdf>

AN IMPORTANT NOTE ABOUT COMPUTERS

You assume the risk of the technology you use in completing your writing assignments. Therefore, you must make certain your computer and printer are in proper working order in advance of all deadlines.

I suggest that you periodically email to yourself a copy of your work-in-progress so that your work won't be entirely lost if you have computer problems. *Many* semesters, at least one student has lost an assignment because the student failed to back up the work. Please don't let this happen to you.

Also, please turn *off* the "right justification" feature on your word processor. Do this for each document you produce. Many times students write their papers in segments and save those segments under different files. Please take care that if you do this, you turn the right justification off for *each* file. Otherwise, when you merge the files, parts of your paper may be right justified. Right justification will throw off the spacing of your citations and lead to errors.

Finally, if you have any questions regarding the size of the typeface or font you plan to use for your papers, please discuss it with me at least a week prior to the deadline. Please note that all "format" requirements are strictly enforced.

COURSE EVALUATION PROCESS

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

PROOFREADING

No assignment is complete until you've done the following:
spell-checked it,
printed out a hard copy,
proofread that *hard* copy, and
have signed the cover page (**see these polices for cover sheet format**) for the assignment.

Don't proofread off the screen. Far too many students have "proofed" on-screen, printed out the work, handed-in the assignment and then, to their horror, discovered that they had submitted the *wrong* document, or the printer made changes to their document. ALWAYS PROOFREAD THE HARD, STAPLED COPY. Proofing the final, *stapled* version ensures that you're reading the correct version of your document, and that your pages are in the right order and not upside or backwards. Your 5 writing assignments should all be submitted in hard copy, and you should keep a copy of ALL papers you submit.

FORMAT REQUIREMENTS FOR ASSIGNMENTS

The following strictly enforced rules govern the writing assignments:

All writing assignments must be typewritten, double-spaced (not space and one-half), with one-inch (top, left, right) margins. **Do not align or justify the right margin.** Each page should be numbered (center, bottom). The bottom margin should be one inch from the last line of the text, not from the page number. Therefore, set your bottom margin at 1/2 inch - the page number should be 1/2 inch from the bottom of the page, with the text one inch from the bottom. Type must be in Courier New true type **12 point font.** Use the same font and the same type-size throughout your paper. Indent paragraphs either 5 or 6 spaces (please be consistent in the number you choose). Skip 2 spaces between each sentence, and after the period at the end of each sentence. All citations must be in proper *Bluebook* format or Florida rules of citation, as appropriate. All papers must be bound in the upper left corner with a staple. Do not use paper clips, special folders, or binders. A signed cover page (format set forth on next page) must be stapled to the front (in the upper left corner) of all Writing Assignments. Submit hard copies.

COVER SHEET FORMAT

In signing the cover sheet, you are verifying that you have done all the tasks listed, and that your paper complies with all the requirements stated, on the form. Please see the next page for the cover-sheet form you must attach to each of the five Writing Assignments. I'll also post this on the TWEN site in MS Word format so that you can copy it for your use.

Assignment: Specify which assignment
Submitted by: Your name
Professor: Pflaum
Teaching Assistant: Put your TA's name here
Date: Date assignment is due

I verify that, to the best of my ability, I have done the following regarding this paper:

- (1) spell-checked it using a computer program;
- (2) proofread the attached, hard copy of this paper and corrected all errors;
- (3) checked all citations for accuracy and conformance with Florida citation or *The Bluebook* rules, as appropriate, including indicating quoted material by use of quotation marks or by indenting and single spacing (for quotes of 50+ words), and corrected all errors;
- (4) checked all quotations word-for-word against the original, and corrected all errors;
- (5) made certain that this paper conforms with all Legal Writing requirements and corrected all errors; and
- (6) abided by all Honor Code and course policy requirements.

In addition, I verify that this paper meets the following requirements:

- (7) is written in Courier New (true type) 12 point font;
 - (8) is double-spaced and includes two spaces between sentences;
- contains one inch margins all around text;
 - contains bottom, centered, page numbers one-half inch from bottom of page;
 - is **not** right-justified; and
 - is stapled in the upper left corner.

sign your name here
type your name here

MS Word formatting for LW assignments

Instructions for setting margins, line spacing, and avoiding problems with extra spacing between paragraphs or insufficient spacing before and after headings, and correct placement and font of your page numbers. *Caution:* These instructions may not work for Macs or all versions of MS Word.

Suggestion: Open a blank document, apply these formatting procedures, and then save the blank document as “Template for LW writing assignments” or something like that. Then, for each LW assignment, open that document, complete your work and save it under another name so you can reuse the template for other assignments.

Page setup: Go to “page layout” click on the little diagonal arrow in the lower right-hand corner. You'll get a menu that offers margins, paper, and layout. Click on the margins tab. Set top, left, and right margins at 1" and the bottom margin at .5" and the gutter at "0". On the same menu under “layout” set header at 1 and the footer at .3. Click “ok” and close box.

Paragraph: Still on the page layout tab, go to the “paragraph” menu. In the paragraph menu, click on the little diagonal arrow in the lower right-hand corner. You'll get a menu that offers indents & spacing, and line and page breaks.

Under “indents & spacing,”– “general” select “left alignment.” Under “indentation” put “0” for both left and right. Under “spacing” select “0” in the “before” and “after” boxes. Under “line spacing” select “double.” Make sure nothing else is checked. When typing your document, you’ll use the “tab” key to indent paragraphs. Under “line and page breaks” make sure **none** of the boxes are checked. This should get rid of extra spaces between paragraphs. Click “ok” and close box.

Page numbering: To properly format page numbers: Go to Insert. Then select “page number,” bottom of page, option “plain number 2.” Then highlight or click on the page number which should open a dialog box to select the correct font and size (Courier New 12 pt). Then go up to “position” on the toolbar (should be under “Design” and on the footer option, make it .3 from bottom of page. This will place your page numbers about 1/2" from the bottom of the page -- that is, about in the middle of your footer. Close the header and footer box.

To remove superscripts (4th) from cites and fix the spacing of ellipses in quotes (. . . rather than ...):

To find the program settings that control things such as your preferences to correct spelling, click the File tab, and then under Help, click Options. Choose “Proofing” and then “Auto Correct Options.”

Superscripts: Under Auto Format and Auto Format-As-You-Type, choose Replace and **uncheck** Ordinals.

Ellipses: Under Auto Correct, select Replace “. . .” with “...” and delete. This will allow you to maintain the spaces between the ellipses.

Symbols: Inserting and assigning a shortcut key: In document, click on “insert” then go to symbols. Choose a symbol and then click on “shortcut key” and then in “specify keyboard sequence,” under “current keys” type in a shortcut. For example, I use the § symbol a lot, so I assigned the shortcut “Ctrl + S” to it, so whenever I hold down the Ctrl key and hit “s” the section symbol appears.

CLASS SCHEDULE

FALL 2018

Legal Writing Students § 1 (Pflaum students)

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00					
9:00	Contracts § A 9:30- 10:20	Contracts § A 9:30- 10:20	Contracts § A 9:30- 10:20	Contracts § A 9:30- 10:20	LR § Q
10:00	Contracts § A 9:30- 10:20	Contracts § A 9:30- 10:20 Torts 10:35 - 11:50	Contracts § A 9:30- 10:20 Torts 10:35 - 11:50	Contracts § A 9:30- 10:20	
11:00		Torts 10:35 - 11:50	Torts 10:35 - 11:50		
12:00					
1:00	Crim Law 1:00-2:15	Intro to Law § A 1:00 - 2:40	Crim Law 1:00-2:15		
2:00	Crim Law 1:00-2:15	Intro to Law § A 1:00 - 2:40	Crim Law 1:00-2:15		
3:00	LW § Q		LW § Q		
4:00	Torts 4:00 - 4:50				
5:00					

COURSE SCHEDULE AND SYLLABUS

Assignments and Class Meetings

Exercises and assignments are listed on the first page of the syllabus, and are to be completed by the dates indicated. Be prepared to discuss the reading assignments in class, and to participate in the in-class exercises. Reading assignments titled “Chapter” refer to the *Design* text; omit chapter exercises unless specifically assigned. “WA” refers to Writing Assignments.

The symbol “☞” indicates that a writing assignment is due at the start of class; “Assign” indicates an assignment is being introduced. Refer also to the Quick Calendar in the Materials for an overview of all classes and assignments. Please submit hard copies of WAs and save a copy for yourself.

Writing Assignment	Due Date
WA #1 – case brief – Holt client	Aug. 29 (Class 6)
WA #2 – Facts & Discussion section – Holt client (closed memo)	Sept. 24 (Class 12)
WA #3 – Client letter – Holt client	Oct. 15 (Class 18)
WA #4 – Email – Spurber (open memo)	Oct. 29 (Class 22)
WA #5 – Final memo – Spurber (QP, Facts, Discussion, & Conclusion)	Nov. 19 (Class 27)

Core Grammar for Lawyers	Due Date
Pre-test	Aug. 19th, 10 pm
Post-test (You must achieve a minimum score of 85%)	Sept. 30th, 10 pm

Lexis ICW Exercises	Due Date
Ex. #1: Case Names	Fri. Sept. 14 (5 pm)
Ex. #2: Case Location	Fri. Sept. 28 (5 pm)
Ex. #3: Court & Date	Fri. Sept. 28 (5 pm)
Ex. #4: Parallel citations	Fri. Oct. 12 (5 p.m)
Ex. #5: Short Form (cases)	Fri. Oct. 12 (5 p.m)
Ex. #7: State Statutes	Fri. Nov. 2 (5 pm)
Ex. #8: Short Forms (Statutes)	Fri. Nov. 2 (5 pm)

LW Quick Calendar

Fall 2018

☞ indicates an assignment is due

week	Mon	Tues	Wed	Thur.	Friday
1	Aug. 13 Class 1	Aug. 14	Aug. 15 Class 2	Aug. 16	Aug. 17
2	Aug 20 Class 3	Aug. 21	Aug. 22 Class 4	Aug. 23	Aug. 24
3	Aug. 27 Class 5	Aug. 28	Aug. 29 Class 6 Lexis ☞ WA # 1	Aug. 30	Aug. 31
4	Sept. 3 Labor Day	Sept. 4	Sept. 5 Class 7	Sept. 6	Sept. 7
5	Sept. 10 Class 8 Dr. Simpson	Sept. 11	Sept. 12 Class 9	Sept. 13	Sept. 14 ☞ Cit. Ex. #1
6	Sept. 17 Class 10	Sept. 18	Sept. 19 Class 11	Sept. 20	Sept. 21 Attend Moot Court Final Four Comp.
7	Sept. 24 Class 12 ☞ WA # 2	Sept. 25	Sept. 26 Asynchronous learning day	Sept. 27	Sept. 28 ☞ Cit. Ex. ##2 & 3
8	Oct. 1 Class 13	Oct. 2	Oct. 3 Class 14	Oct. 4	Oct. 5 Homecoming
9	Oct. 8 Class 15	Oct. 9	Oct. 10 Asynchronous learning day	Oct. 11	Oct. 12 ☞ Cit. Ex. ##4 & 5
10	Oct. 15 Class 16 Westlaw ☞ WA # 3	Oct. 16	Oct. 17 Class 17	Oct. 18	Oct. 19
11	Oct. 22 Class 18	Oct. 23	Oct. 24	Oct. 25 Class 19 First DCA	Oct. 26
12	Oct. 29 Class 20 ☞ WA # 4	Oct. 30	Oct. 31 Class 21	Nov. 1	Nov. 2 ☞ Cit. Ex. ## 7 & 8
13	Nov. 5 Class 22	Nov. 6	Nov. 7 Class 23	Nov. 8	Nov. 9
14	Nov. 12 Vet. Day No class	Nov. 13	Nov. 14 Class 24	Nov. 15	Nov. 16
15	Nov. 19 Class 25 ☞ WA # 5	Nov. 20	Nov. 21 No class	Nov. 22 Thanks-giving	Nov. 23
	Nov. 26 – classes end				

SYLLABUS

Disclaimer:

This syllabus represents current plans and objectives for the course. As we go through the semester, I may change these plans to enhance the class learning opportunities as needed; such changes are not unusual and will be communicated clearly.

Week 1

Mon. 8/13 **Class 1: Introduction to Logic, Legal Writing & Thinking Like a Lawyer**

Read: Introduction and Chapter 1 (*Design* text).

TWEN:

- Materials: Quick Calendar; Course Policies; Syllabus; – (read and sign acknowledgment and address form and turn in class 4).

Assign: Chapter 1, § 1.12 Exercise 3 for in-class discussion.

In class: Chapter 1, § 1.12 Exercise 3.

Assign: Core Grammar for Lawyers pre-test – complete by August 19th at 10 pm.

Wed. 8/15 **Class 2: Introduction to Reasoning; Language and Relevancy**

Read: Chapters 2 & 3.

Assign: Chapter 3, § 3.5 Exercise 2 – Drafting a statute for in-class discussion.

In class: Chapter 3, § 3.5 Exercise 2

Week 2

Mon. 8/20 **Class 3: Introduction to Closed Memo (Holt); Sources of Law; the Common Law; Primary and Secondary Authorities; Reading and Interpreting Cases**

Read: Chapters 5 and 26 (pp. 421-24 only).

TWEN:

- Writing Assignments 1-3; *Hoffman case*

Assign: WA #1 – T-FIHRR for closed memo – brief the *Hoffman* case, using the T-FIHRR format. Due Aug. 29.

Assign: Chapter 5 Exercise: §5.10(a) Exercise 1 for in-class exercise.

In class: Chapter 5 exercise: §5.10(a) Exercise 1.

Wed. 8/22 **Class 4: Legal Memorandum Structure; Organizing your Analysis;**

Read: Chapters 4, 8, 34, and 35.

TWEN:

- Precedent / authorities
 - Florida Authorities – when no decision in Florida Supreme Court or in district.
- Sample Writing Assignment – robbery hypothetical:
 - Memorandum to Assistant State Attorney, transcript of victim,
 - § 812.13(1), Fla. Stat. (2018) [focus on (1) only];
 - *Diaz v. State*

In-class: Exercise in writing a T-FIHRR: *Diaz v. State*.

Submit: Acknowledgment of course policies and address form to TA.

Week 3

Mon. 8/27 **Class 5: Citation; Stare decisis**

Read: Chapter 25.

The Bluebook

- **Read:** The Introduction; the Bluepages pp. 3-19 (through B12.1.2); and Rule 10.
- **Skim** the Contents; inside front and back covers; Rules 1-9, 11, 12.1; and Tables 1 (pages 233-36), 6, 7, 8, and 10.

TWEN:

- Citation:
 - Citation basics for cases and steps for using *The Bluebook*
 - Skim the Florida Uniform Rules of Citation (Fla. R. App. P. 9.800)

Bring to class: *The Bluebook*

In class: Citation exercise 1; case cites for robbery hypothetical.
Stare decisis exercise (to be distributed in class).

Wed. 8/29 **Class 6: Lexis Training; Intro to Lexis & ICW Citation Exercises** (bring laptop)

Submit: ✍️ **WA #1 – T-FIHRR of *Hoffman* case** – at start of class.

Week 4

Mon. 9/3 **No class** Labor Day

Wed. 9/5 **Class 7: Q & A on WA #1; The Memo: The Facts**

Read: Chapters 6, 10, and 23.

TWEN:

- Writing Assignments 1 - 3 (Review):
 - WA #2 and checklist
 - *Taylor* case

Assign: WA #2 – Facts and Discussion (Rule Explanation Application) (laches). Due 9/24.

In class: Exercise in writing the facts for the robbery memo.

Week 5

Mon. 9/10 **Class 8:** **Effective writing – guest speaker Dr. Simpson of UF Writing Studio**
MEET IN ROOM 355C

Read: Chapters 28 - 33.

Wed. 9/12 **Class 9** **Using Cases Effectively in Written Analysis Writing the Rule Explanation**
for a single issue; designing a case chart

Read: Chapters 7, 11, and 12.

TWEN:

- Writing Assignments 1-3:
 - Writing a Rule Explanation for one issue – Legal Memo
- Sample Writing Assignments
 - *Flagler* and *Fine* cases

In-class: Designing a case chart and exercise in designing a rule from multiple cases – robbery hypo.

Fri. 9/14 **ICW Ex. #1 – due at 5 p.m.** Complete the Lexis Citation Workstation Exercise (see the “interactive Citation Workstation Exercises” at the Citation link on the TWEN course Navigation panel).

Week 6

Mon. 9/17 **Class 10:** **The Memo: Organizing the Discussion; Written Analysis of an Issue – Rule**
Explanation and Rule Application; Ethics and Professionalism

Read: Chapter 27.

TWEN:

- Sample Writing Assignments:
 - Briefly review facts, statute, and the three cases

In class: Exercise in identifying information to include in global introduction and roadmap paragraph(s) (laches case); rule synthesis using robbery hypothetical.

Wed. 9/19 **Class 11:** **Finalizing the Memo**

Read: Chapter 24.

Fri. 9/21 **Attend Moot Court Final Four Competition in MLAC (10:00 am)**
(special class time – attendance in person or viewing competition remotely is required).

Week 7

Mon. 9/24 **Class 12** **Shifting your Analysis to a Client Letter**

Read: *TWEN:*
 • Client Letter Assignment

Submit: ✍️ **WA #2 – Closed Memo: Facts and Discussion of laches issue.**

Assign: ✍️ WA #3 – Client letter. Due Mon., 10/15, at start of class.

Assign: **Core Grammar for Lawyers post-test by September 30th at 10 pm.**

In class: Group exercise on converting the open memo to a client letter.

Wed. 9/26 **Asynchronous Learning Day -- Complete at least one CGL lesson and ICW exercises #2 and 3. You may work on these in our regular classroom or at home, (and you can complete it ahead of schedule), but it must all be completed by 5 pm on Friday September 28.**

Fri. 9/28 **ICW Ex. #2 & #3 – due at 5 p.m.**

Week 8

Mon. 10/1 **Class 13** **The Open Memo; Facts and Issues; Designing a Question Presented and Brief Answer**

Read: Chapter 9
 TWEN:
 • Writing Assignments ##4-5
 • Review Memo to ASA and facts and WA #4

In class: Exercise in identifying the relevant facts (burglary issue); exercise in designing a QP using robbery hypothetical.

Attend: Conference with TA **and** Prof. this week or next on WA #2.

Wed. 10/3 **Class 14** **The Open Memo – closing the universe**

Bring to class: Your research and notes on authorities for the open memo.

Week 9

Mon. 10/8 **Class 15** **Organizing the Burglary Discussion; Email assignment: Designing the Analysis;**

Global introduction and Road map paragraphs

Read: Chapter 11 (sections 11.4 and 11.5 only – review).

TWEN:

- Writing Assignments ##4-5 (Review)
- Email Assignment

In class: Exercise in designing an email using robbery hypothetical and identifying information to include in introduction and roadmap paragraphs.

Attend: Conference with TA and Prof. this week on WA #2.

Assign: ✍ WA #4 – Email for Spurber memo. Due Mon., 10/29 at start of class.

Wed. 10/10 Asynchronous Learning Day -- Complete ICW exercises #4 and 5. You may work on these in our regular classroom or at home, (and you can complete it ahead of schedule), but it must all be completed by 5 pm on Friday Oct. 12.

Fri. 10/12 ICW Ex. #4 & #5 – due at 5 p.m.

Week 10

Mon. 10/15 Class 16 Westlaw Training – Bring your laptop

Submit: ✍ WA #3 – Client letter. Due at start of class.

Wed. 10/17 Class 17 Citation, Signals, and Quotation in the Discussion section; Designing a rule-plus; short forms for cases

The Bluebook

- Rules 1; 4; 5; 10.7.1; B1.2.

Bring to class: *The Bluebook*

In class: Exercise in designing a rule-plus and use of signals (robbery hypothetical).

Week 11

Mon. 10/22 Class 18 Finalizing the Email Memo (WA #4); Citation: designing a rule-plus; The Conclusion; Q & A

Read: Chapter 12; review chapter 24

The Bluebook

- Rules 10.6 - 10.7; B10.1.5

Bring to class: Draft of your email memo and *The Bluebook*

In class: Exercise in designing a rule-plus (robbery hypothetical).

Exercise in designing the Conclusion using the robbery hypothetical.

Wed. 10/24 No class (rescheduled to Thursday, 10/25)

Thur. 10/25 **Class 19**
Attend First District Court of Appeal (DCA) session (MLAC courtroom) – Thurs. time TBA
Attend Special Class at noon with Judge from First DCA – room TBA

Week 12

Mon. 10/29 **Class 20** **Externships; summer employment - guest speaker Rob Birrenkott, Assistant Dean for Career Development**

Submit: ✍️ **WA #4 – Email memo (burglary). Due at start of class.**

Assign: ✍️ **WA # 5 – Final memo (burglary) – due Monday, November 19 at start of class.**

Wed. 10/31 **Class 21** **Exams – effective preparation and performance (TA panel)**

Fri. 11/2 ✍️ **ICW Ex. ## 7 & 8 – due at 5 p.m.**

Week 13

Mon. 11/5 **Class 22** **Ethics; Professional Responsibility – Guest speaker**

Read: Chapter 27 (review).

Wed. 11/7 **Class 23** **The final memo; Designing a Question Presented and Brief Answer**

Bring to class: Draft of your memo

In class: Group exercise in designing a QP and BA – burglary memo.

Week 14

Mon. 11/12 **No Class** Vet. Day

Wed. 11/14 Class 24 Finalizing the open memo; Q & A

Read: Chapter 24 (review).

Bring to class: Your memo

Week 15

Mon. 11/19 Class 25

Submit: 📎 **WA # 5 – at start of class.**

Bring to class: Laptop

ACKNOWLEDGMENT OF COURSE POLICIES

I have carefully read the Legal Writing course policies regarding administrative policies, including grading, late papers, attendance, violations of the Honor Code, plagiarism, collaboration, behavior and use of the computer in the classroom, and the course schedule. In addition, I have signed up for the Westlaw TWEN course using my ufl.edu email address.

Name (print): _____

Signed: _____

Date: _____

Professor: _____

Teaching Assistant: _____

Please complete this form, including the reverse side, and give it to your Teaching Assistant by Wednesday of the second week of classes.

ADDRESS FORM

Name (please print): _____

Cell phone: (optional) _____

e-mail (please list your
ufl.edu address) _____

Teaching Assistant's Name: _____

Undergraduate school: _____

Major / degree / date: _____

Graduate school: _____

Area of study / degree / date: _____

Legal experience or background: _____

Hobbies and interests: _____

Professional goals: _____

Other info? _____
