

**Legal Writing and Research for LL.M. in Comparative Law**  
**Course # 7805, Section 17608 – 2 credits**  
LL.M. in Comparative Law – American Law  
Prof. Henry T. Wihnyk  
**Fall 2018**

**SYLLABUS**

Henry T. Wihnyk, J.D., LL.M.  
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Legal Writing and Appellate Advocacy  
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**Office Hours**

Monday - 2:00 p.m. – 2:50 p.m., Wednesday – 11:40 – 12:50 p.m.; 2:10 – 2:50 p.m., and by appointment

Course Description, Grading Policies, My Expectations, Class Meetings and Assignments

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

If you devote yourself to doing the best work you can, at the end of the semester you will be able to:

- Demonstrate an understanding of the U.S. legal system and how lawyers use law to advise clients and resolve legal problems;
- Review facts and evaluate their relevance to a client's legal situation;
- Identify legal issues affecting a client's situation;
- Analyze, interpret, and use statutes and case law to construct legal arguments;
- Apply legal rules to relevant client facts, analogizing and distinguishing precedent;
- Write an analysis of a legal issue predicting its outcome;
- Prepare effective answers to law school exam questions;
- Use effective organizational techniques;
- Use legal citation correctly; and
- Revise, edit, and proofread your legal writing.

It is anticipated that you will spend approximately 2 hours out of class reading and preparing writing exercises and assignments for every 1 hour in class.

### **Required Texts**

*Materials – To be supplied by Prof. Wihnyk*  
*The Bluebook 20<sup>th</sup> ed.*

Course TWEN page: *Legal Writing and Research for LL.M. in Comparative Law (Fall 2018) – Professor Henry T. Wihnyk*

### **Grading**

Legal Writing is graded by letter grade.

Your final grade in the course will be determined by:

1. Writing Assignment 2: 80%
2. Participation: 20%

This includes satisfactory work on all assignments and compliance with course policies and class expectations. (See Class Expectations below)

You must complete all assignments to pass the course.

### **Information on UF Law Grading Policies**

Grade	Points
A (Excellent)	4.0
A-	3.67
B+	3.33
B (Good)	3.00
B-	2.67
C+	2.33
C (Satisfactory)	2.00
C-	1.67
D+	1.33
D (Poor)	1.00

D- 0.67

E (Failure) 0.0

The law school grading policy is available at:

<http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>

### **Class Expectations**

I expect you to:

- (1) satisfactorily and timely complete all writing assignments, writing exercises, and citation 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 my feedback, to learn from your strengths and weaknesses and to improve.

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

You must complete all assignments to pass the course.

#### **Timely complete assignments**

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

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

I will excuse late submissions only in limited emergency situations. As to emergencies involving 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, e-mail me, or see me before the date that the assignment is due. Under such circumstances, I will delay the deadline for your paper to give you enough time to deal with the emergency.

The following examples do not constitute an excuse for missing a deadline – so please don't even ask: a job interview; reasonably foreseeable transportation trouble; reasonably foreseeable computer or printer problems - this includes any difficulties submitting assignments on the course TWEN page; typist trouble; “ran out of time”; “left it at home”; “didn't understand the assignment or how to complete it.”

### **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 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. This is not a lecture course. 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. Our class meetings will have value to you only if you come prepared to participate.

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

Unpreparedness may result in the lowering of your final grade.

### **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 me about your work and how to improve it.

Unpreparedness may result in the lowering of your final grade.

### **•Professional Quality Work**

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

### **•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. You will be given the same uninterrupted opportunity to express your own ideas.

- Do not call out in class. I welcome and encourage class participation. If you want to contribute to the class discussion raise your hand and wait to be recognized.
- Silence cell phones and beepers.
- Do not wear hats in class.
- You may not record class sessions without my express consent.

### **Attendance**

You are required to attend all scheduled class meetings, writing conferences, and mandatory special events. I will excuse absences caused by illness, emergencies, and observance of religious holidays.

Your final grade in the course may be lowered one level (e.g. B to B-) for each unexcused absence.

<http://www.law.ufl.edu/student-affairs/current-students/academic-policies#3>

### **Getting in Touch with Me**

Please come see me in my office (339 Holland Hall) or get in touch with me by e-mail if you have any questions regarding this course or an assignment. You can stop by my office at other times and I'll be happy to meet with you or schedule an appointment for another time if I'm busy. I keep my office door closed, so please feel free to knock. My office phone number is 273-0881. My e-mail address is [wihnyk@law.ufl.edu](mailto:wihnyk@law.ufl.edu).

### **Format Requirements for Writing Assignments**

The following strictly enforced rules govern the form of all writing assignments:

- All assignments must be typewritten, double-spaced, with one-inch (bottom, top, left, right) margins. The bottom margin should be one inch from the last line of the text, not from the page number.
- Do not align or justify the right margin.
- Each page should be numbered (center, bottom).
- Type must be Times New Roman 12 point.
- All citations must follow Bluebook Citation Manual rules or the Florida Uniform Citation System. You'll be instructed as to which to follow for each assignment.

### **Responsibilities to Your 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.

### **The Honor Code - its Role in Our Course**

In every aspect of this course – from written assignments of all types, to meetings with me, to class attendance – you're strictly bound by the Honor Code as well as all rules, codes, regulations, and policies of the University and of the College of Law regarding student conduct.

### **Collaboration**

All work in this course must be your own. You must do your own writing, proofreading, and editing. 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 the purpose of planning revisions. No other person may review your work. 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.

You may discuss cases, arguments, and citation techniques with each other. You may not, however, provide answers to exercises to each other. If you need help completing the exercises, please contact me or your teaching assistant.

### **Plagiarism**

Representing another's work as your own constitutes plagiarism. Also, paraphrasing or quoting from a case or a law review article without properly acknowledging the source or without including quotation marks where such marks are appropriate constitutes plagiarism. Any paper evidencing plagiarism will automatically 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.

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>

### **Accommodation for Students with Disabilities**

Students with disabilities requesting accommodation must first register with the Dean of Students Office. The Dean of Students Office will provide documentation to the student who must then provide this documentation to me when requesting accommodation.

### **Course Evaluations**

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://cvaluations.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/>.

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Class Meetings – Topics and Assignments

This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.

Aug. 13:     Introduction to Legal Writing

Read for class:

TWEN - Syllabus: Course Description, Grading Policies, My Expectations, Class Meetings – Topics and Assignments

Materials – Pages 1 – 4

Aug. 15:     Reading and Thinking Like a Lawyer

Read for class:

Materials – Pages 1A – 27 A; Pages 5 – 11.

TWEN – Dog Bite Statute; *Flick v. Malino*

Be prepared to apply the principles discussed in the materials to the statute and the case.

Aug. 20:     Finding, and Formulating Rules

Read for class:

TWEN – Dog Bite Story 1- Be prepared to find and explain the rule from the Dog Bite Statute in the context of Story 1.

Dog Bite Story 2 – Be prepared to find and explain the rule from the Dog Bite Statute and *Flick v. Malino* in the Context of Story 2.

Aug. 22:     The Structure of Legal Analysis

Read for class:

Materials – Pages 12 – 14

TWEN – Sample Discussion of a Legal Issue



August 27: Explaining the Law

Read for class:

Materials – Pages 15 – 32

Be prepared to draft a case illustration of *Flick v. Malino* in class.

August 29: Applying the Law

Read for class:

Materials - Pages 33 – 51

Be prepared to apply the rule from *Flick v. Malino* to Dog Bite Story 2.

Sept 3: No Class

Sept. 5: Introduction to Writing Assignment 1

Read for class:

TWEN – Partner Memo, Burglary Statute, *State v. Douglas*, *State v. Warner*

Be prepared to discuss these items, in detail, in class.

Sept 10 Formulating and Explaining the Rule

-Be prepared in class to synthesize a rule drawn from *State v. Warner* and *State v. Douglas* that will explain when an article is “adapted.”

-Be prepared in class to draft a case illustration of *State v. Warner*.

Sept. 12      Explaining the Rule

Sept. 17      Explaining the Rule and Review of Exercise 1

Bring your work on **Exercise 1** to class.

Sept. 19      Applying the Rule

Be prepared in class to apply the rule synthesized from *Warner* and *Douglas* to our client's facts.

Sept. 24      Applying the Rule

Bring your work on **Exercise 2** to class.

Sept 26      Applying the Rule

Oct. 1        Organizing the Discussion

And

Drafting the Roadmap to our Discussion of the Issue

Read for class:

Handout re: drafting a roadmap paragraph.

TWEN – Template for the Discussion of the Issue.

Oct. 3        Finalizing Writing Assignment 1

**Oct. 5 Upload Writing Assignment 1 to the Assignment Drop Box on our class TWEN page no later than 5:00 p.m.**

Oct. 8        Introduction to Writing Assignment 2

Read for class:

TWEN: Writing Assignment Materials – Partner’s Memo and Cases.

Be prepared to discuss, in class, our client’s issue and the cases.

Oct 10        Formulating the Rule

Be prepared to formulate the rule, in class, relevant to our client’s issue.

Oct 15        Explaining the Rule

Be prepared to draft case illustrations, in class, relevant to our client’s issue.

Oct. 17       Explaining the Rule

Oct 22        Applying the Rule

Bring your work on **Exercise 3** to class.

Oct. 24       Preparing for and Answering Law School Exam Questions

Oct. 29       Preparing for and Answering Law School Exam Questions

Oct 31        Preparing for and Answering Law School Exam Questions

Nov. 5        Organizing the Analysis for Writing Assignment 2

Nov. 7        Statutory Analysis

Read for class:

Handout re: Statutory Analysis.

Nov. 12       No Class

Nov. 14      Finalizing Work on Writing Assignment 2

Nov. 19      Finalizing Work on Writing Assignment 2

Nov. 21      No Class

**Upload Writing Assignment 2 to the Assignment Drop Box on our class TWEN page  
no later than 5:00 p.m.**

Nov. 26      Wrapping Things Up