

LEGAL WRITING §Y
Course # 5792, Section 17736 – 2 credits
Prof. Henry T. Wihnyk
Fall 2018

SYLLABUS

Henry T. Wihnyk, J.D., LL.M.
Senior Legal Skill Professor
Legal Writing and Appellate Advocacy
339 Holland Hall
U.F. Levin College of Law
Gainesville, FL
wihnyk@law.ufl.edu
352-273-0881

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 perform a thorough analysis of a legal problem and express it 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 standards in crafting your written work;
- 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 a legal rule 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.

Our course has several components designed to immerse you in the logic, practice, form, and art of legal reasoning:

- writing assignments, consisting of several projects designed to teach you how to interpret and apply the law to facts and to formulate policy arguments
- writing exercises
- citation exercises
- conferences and office-hour appointments with me to review your written work
- in-class discussions and exercises

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 and Materials

A Lawyer Writes 3d ed.
by Coughlin, Rocklin, Patrick

The Bluebook 20th ed.

Core Grammar for Lawyers (Carolina Academic Press). To obtain access, visit coregrammarforlawyers.com.

Course TWEN page: *Legal Writing (Fall 2018) and Appellate Advocacy (Spring 2019) – Professor Henry T. Wihnyk*

Use of Computer/Technology

Electronic devices (laptops, tablets, cell phones) must remain stowed away when I am lecturing and during class discussions. Plan to use your computers, however, during our work on group exercises.

Grading

Legal Writing is graded by letter and is subject to the mandatory grade curve established by the College of Law.

Your final grade in the course will be determined by:

1. Writing Assignment #4 (Final Memorandum): 80%
2. Participation: 20%

Participation grades are based on class preparation, class participation, successful completion of all assignments, and active participation in small group discussions. 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 (Participation)

I expect you to:

1. satisfactorily and timely complete all writing assignments, writing exercises, core grammar 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 how to perform a thorough analysis of a legal problem and express it effectively in writing. I want you to use the assignments to practice writing techniques, to learn from your teaching assistant's and 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. Occasionally, I will give quizzes to evaluate your understanding of the reading material.

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.

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

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.

Excessive typographical, spelling, format, grammatical, or citation errors may cause a paper to be deemed unsatisfactory, regardless of its substantive merit.

•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.

-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. Attendance will be taken by your teaching assistant.

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.

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 may 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 (352) 273-0881. My e-mail address is 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>

Health and Wellness:

U Matter, We Care:

If you or a friend is in distress, please contact umatter@ufl.edu or 352-392-1575 so that a team member can reach out to the student.

Counseling and Wellness Center:

<http://www.counseling.ufl.edu/cwc/Default.aspx>, 352-392-1575, and the University Police Department: 352-392-1111, or 911 for emergencies.

Sexual Assault Recovery Services (SARS)

Sexual Health Care Center, 352-392-1161.

University Police Department

352-392-1111, or 911 for emergencies.

<http://www.police.ufl.edu/>

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://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Legal Writing
Syllabus – Class Meetings and Assignments

| | Class/Date | Topics | Assignment for Class | Due |
|---|--------------------|--|--|---|
| 1 | #1 Mon. 8/13 | Introduction to Legal Writing Introducing the Legal System | READ: • TWEN -Syllabus • TEXT -Introduction, -Chapters 1 & 2 | |
| | #2 Wed 8/15 | Reading and Thinking Like a Lawyer Introduction to Our Client's Problem and the Authorities | READ: • TEXT -Chapter 3 • TWEN Writing Assignment Materials - Authorities Be prepared to discuss the Partner Memo, Burglary Statutes and Cases, in detail, in class. | |
| | 8/19 | Core Grammar for Lawyers Pre-Test | | Complete the Core Grammar for Lawyers Pre-Test by 10:00 p.m. |
| 2 | #3 Mon 8/20 | Finding the Argument and Formulating a Rule | READ: • TEXT -Chapter 4 & Chapter 7 through section 7.1 (pages 99 through 108) | Bring to Class your completed Exercise 1. |
| | #4 Wed. 8/22 | The Process and Structure of Legal Analysis | READ: • TEXT Chapter 5 and Chapter 6 | - |
| 3 | #5 Mon. 8/27 | Explaining the Law – The R in CRAC - Case Illustrations | READ • TEXT - Chapter 7 sections 7.1 part III, 7.2 and 7.3. Be prepared to draft a case illustration of <u>State v. Warner</u> in class. | |

Legal Writing
Syllabus – Class Meetings and Assignments


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| | #6 Wed. 8/29 | Explaining the Law – Case Illustrations | Be prepared to evaluate your case illustrations of <u>Warner</u> and <u>Douglas</u> . | Bring to Class your completed Exercise 2 - Case Illustrations |
| 4 | 9/3 No Class – Labor Day | | | |
| | #7 Wed. 9/5 | Applying the Law – The A in CRAC | READ: TEXT – Chapter 8 | Bring to Class your completed Exercise 3 – Application |
| 5 | #8 Mon. 9/10 | Applying the Law – The A in CRAC | | |
| | #9 Wed. 9/12 | Applying the Law – The A in CRAC & The Roadmap Section – The first C in CRAC | READ: · TEXT – Chapters 9 and 12 through section I (pages 99 – 220) | Bring to Class your completed Exercise 4 – The Roadmap |
| 6 | #10 Mon. 9/17 | Citation | READ: Bluebook – “Bluepages” in the front. Bring your Bluebook to class. | |
| | #11 Wed. 9/19 | Finalizing Writing Assignment #1 | | |
| | Fri. 9/21 | Moot Court Final Four Competition | | |
| 7 | #12 Mon. 9/24 | Asynchronous Learning Day | Work on your Core Grammar for Lawyers Lessons. You should be getting close to finishing all of the lessons – they are due on 9/30. You are free to work on this classwork in our regular classroom or at home. | Writing Assignment 1 – Upload to the TWEN “Assignment Drop Box” no later than 9:00 a.m. |
| | #13 Wed. 9/26 | Shifting Your Analysis to a Client Letter (Writing Assignment 2) | READ: TEXT – Chapter 17 | |

Legal Writing
Syllabus – Class Meetings and Assignments

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| | 9/30 | Core Grammar for Lawyers | | Deadline to complete all Core Grammar modules satisfactorily and complete the Post-Test with a minimum score of 85% |
| 8 | #14 Mon. 10/1 | Hypo and Case Law for Writing Assignment 3 & 4 | <p>READ: ·TWEN Writing Assignment Materials: -Hypothetical to Accompany Writing Assignments 3 & 4 -Cases to Accompany Writing Assignments 3 & 4</p> <p>Be prepared to discuss these cases, in detail, in class.</p> | |
| | #15 Wed. 10/3 | Analysis of the Issue in Writing Assignments 3 & 4 | Be prepared to discuss the analysis of the issue raised in the hypo. | |

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|----|--|--|--|---|
| 9 | #16 Mon. 10/8 | Hypo and Case Law for Writing Assignment 3 & 4 | Be prepared to discuss the hypo and cases, in detail, in class. | |
| | #17 Wed. 10/10 | Debriefing Writing Assignment #1 and The Client Letter (Writing Assignment 2) | Bring a hard copy of Writing Assignment 1 with my comments to class. | |
| 10 | #18 Mon. 10/15 | Statement of Facts | <p>READ: ·TEXT - Chapter 14</p> <p>Be prepared to work on Exercise 5 in class.</p> | Writing Assignment 2 - Upload to the TWEN "Assignment Drop Box" no later 9:00 a.m. |
| | # 19 Wed. 10/17 | <p>-Professional Emails</p> <p>-Preparing an Email re the Issue Raised in the Hypo</p> | <p>READ: ·TEXT – Chapter 18</p> <p>Be prepared to discuss the analysis of the issue raised in the hypo applying the principles covered in Chapter 18.</p> | |
| 11 | #20 Mon 10/22 | Analysis of the Issue in Writing Assignments 3 & 4 | Be prepared to discuss the analysis of the issue raised in the hypo applying the principles covered in Chapter 18. | |
| | 10/24 Wed. No Class | | | |

Legal Writing
Syllabus – Class Meetings and Assignments

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| | #21  Thurs. 10/25 | Appellate Oral Arguments | 9:00 a.m. –Attend oral arguments in Advocacy Center 12:00 p.m. - Attend Q&A Session with judge from the First DCA | |
| 12 | #22 Mon. 10/29 | Email re Analysis of Issue in Writing Assignment 4 | Bring a hard copy of your email to class. | Writing Assignment 3 - Upload to the TWEN “Assignment Drop Box” no later 9:00 a.m. |
| | #23 Wed. 10/31 | Question Presented and Brief Answer | READ: ·TEXT -Chapter 13 Be prepared to work on Exercise 6 in class. | |
| 13 | #24 Mon. 11/5 | Group Work re Writing Assignments | | |
| | #25 Wed 11/7 | Group Work re Writing Assignments | | |
| 14 | 11/12 No Class | | | |
| | #26 Wed. 11/14 | Finalizing Writing Assignment 4 | | |
| 15 | #27 Mon. 11/19 | TA Roundtable | | Writing Assignment 4 - Upload to the TWEN “Assignment Drop Box” no later 9:00 a.m. |
| 16 | Mon. 11/26 No Class | | | |

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.