

Writing 15.0

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SPRING 2024 | SYLLABUS | LAW6930-CF04(13621) | 1 CREDIT

INSTRUCTOR

Patricia Barksdale, United States Magistrate Judge

CONTACT INFORMATION

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OFFICE HOURS AND LOCATION

January 8 to 12
12:20 to 1:00 p.m.
Classroom

CLASS SCHEDULE

January 8 to 12
9:30 a.m. to 12:20 p.m. (with breaks)

COURSE DESCRIPTION AND OBJECTIVES

Clients pay lawyers to write. Lawyers write letters to inform clients, emails to communicate with opposing counsel, pleadings to sue, and contracts to secure transactions. In any lawyer's workday, there's one guarantee: the lawyer must write. And whether a lawsuit ensues, most disputes resolve on paper. But few lawyers focus on their writing. Compounding the problem caused by this neglect are bad habits developed from viewing unedited text messages and social-media posts. In this course, you'll hear prominent jurists, the author of the foremost book on typography for lawyers, an expert on artificial intelligence in the legal world, and even a middle-school grammar teacher. You'll learn from them and the instructor tools necessary to hone a fundamental skill for effective lawyering no matter the specialty.

OUTCOMES

When this course ends, you should be able to:

- Pass any grammar test
- Write in plain English
- Write for the reader
- Know the current limits of artificial intelligence for writing
- Know ways artificial intelligence can improve writing
- Edit effectively
- Organize writing effectively
- Make written arguments more persuasive
- Know words and phrases to avoid in legal writing
- Know the benefits and limits of legal forms
- Know ethics rules pertinent to legal writing
- Choose typefaces to comport with typography rules
- Format papers to comport with typography rules

REQUIRED READING

Besides handouts provided in class, you must read these publications. Some appear lengthy, but all are “quick reads.” They will serve as resources throughout your legal career.

Matthew Butterick, *Typography for Lawyers* (2d ed.)
ISBN-13 978-1598392623

Benjamin Dreyer, *Dreyer’s English: An Utterly Correct Guide to Clarity and Style*
ISBN-13 978-0812985719

Bryan Garner, *Garner’s Modern American Usage* (3d ed.) (**selected passages**)
ISBN-13 978-0195382754

Stephen King, *On Writing: A Memoir of the Craft*
ISBN-13 978-1982159375

William Strunk, Jr., and E. B. White, *The Elements of Style*, (4th ed.)
ISBN-13 979-8851866210

OPTIONAL READING

Books about writing abound. The instructor had difficulty limiting the required reading list. Reading these publications is optional.

Stephen Armstrong & Timothy Terrell, *Thinking Like a Writer: A Lawyer's Guide to Effective Writing and Editing* (4th ed.)

ISBN-13 978-1402437724

Bill Bryson, *The Mother Tongue: English and How it Got that Way*

ISBN-13 978-0380715435

Roy Peter Clark, *Writing Tools: 50 Essential Strategies for Every Writer* (1st ed.)

ISBN-13 978-0316014991

Ruth Anne Robbins, *Painting with print: Incorporating concepts of typography and layout design into the text of legal writing documents*, *Journal of Assoc. of Legal Writing Directors* (Jan. 4, 2020)

Honorable Antonin Scalia & Bryan Garner, *Making Your Case, The Art of Persuading Judges*

ISBN-13 978-0314184719

Stephen Stark, *Writing to Win* (rev'd ed.)

ISBN-13 978-0307888716

William Zinsser, *On Writing Well*

ISBN-13 978-0060891541

CANVAS

You must register for the Canvas course and have required materials with you or in electronic form. For class announcements, check your Canvas page and your email connected to the page.

GRADING

Your grade will be based on a take-home final exam due one week after the last day of class. For the exam, you'll answer short questions, edit a legal paper, and author a short legal paper. The instructor will follow the law school's policy on grading. This chart shows the letter grade and point equivalent:

A	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C	2.0
C-	1.67
D+	1.33
D-	0.67
E	0.0

ATTENDANCE

You must attend class in person. The instructor will take attendance at the beginning of each class. If you're late, you must ensure you're not marked absent. Because the course lasts only five days, no absence is permitted. For every 60 minutes you spend in class learning, you must spend 120 minutes out of class preparing.

POLICIES

Information about policies on course evaluations, the honor code, accommodations, class recordings, exam delays, and grades, is on the law school's website, found [here](#).

CHALLENGE

During the class, you must not write these words (adapted from *Dreyer's English*):

very	rather	really
quite	in fact	just
so	pretty	of course
surely	that said	actually
utilize	clearly	almost
plainly	instant	in order to

SCHEDULE

The schedule is a guide. Depending on the level of interest, the schedule may change.

MONDAY, JANUARY 8
Required reading: <i>The Elements of Style</i>
9:30 to 10:45 a.m.
Guest Speaker: United States District Judge Steven Merryday
10:55 to 11:20 a.m.
The Perils of Using Forms Forms can make a lawyer's job easier. Forms can also get lawyers in trouble. We'll learn how to best use forms for an efficient <i>and</i> effective practice.
11:30 a.m. to 12:20 p.m.
The Beauty of Plain English; the Horror of Legalese Modern jurists and lawyers reject legalese. You should too. We'll learn what "plain English" means, how to write in plain English, why plain English has become the style of choice for the best lawyers, and why you should avoid using "instant," "prior to," and other legalese.

TUESDAY, JANUARY 9
Required reading: <i>On Writing</i>
9:30 to 10:20 a.m.
Guest Speaker: Chief United States Circuit Judge William Pryor
10:30 to 11:20 a.m.
Organization 101 Organizing your writing helps the reader understand the information you are trying to convey. We'll learn about organizing clauses within a sentence, sentences within a paragraph, and paragraphs within a document. We'll also learn outlining as an organizational tool and explore using headings.
11:30 a.m. to 12:20 p.m.
Writing for the Reader We'll discuss questions every writer should ask: Who is my reader? What does my reader want to know? What characteristics describe my reader? We'll also practice writing to different readers.

WEDNESDAY, JANUARY 10
Required Reading: <i>Modern American Usage</i> (one selection of your choice)
9:30 to 10:20 a.m.
Guest Speaker: Doug Austin of ediscoverytoday.com
10:30 to 11:20 a.m.
The Perils of Using Artificial Intelligence (and How A.I. May Help) Using artificial intelligence to write is neither a problem nor a solution. We'll explore ways to use—and not to use—artificial intelligence in this rapidly changing world, recognizing that anything learned today may be obsolete tomorrow.
11:30 a.m. to 12:20 p.m.
Class Presentations Each student will teach the class a lesson from <i>Modern American Usage</i> .

THURSDAY, JANUARY 11
Required Reading: <i>Typography for Lawyers</i>
9:30 to 10:20 a.m.
Guest Speaker: Matthew Butterick, Esquire
10:30 to 11:20 a.m.
Typography 101 Wedded to Times New Roman? Why? The United States Supreme Court doesn't use it, and there are good reasons why. We'll learn fundamentals of typography and reasons improving your typography will help your reader better and more quickly understand the information you are trying to convey.
11:30 a.m. to 12:20 p.m.
Developing Your Writing Style Is there room in legal writing for a writing style? How will readers define your style? We'll learn different legal writing styles and debate what styles work best.

FRIDAY, JANUARY 12
Required Reading: <i>Dryer's English</i>
9:30 to 10:20 a.m.
Guest Speaker: Katherine Snyder
Grammar 101 Poor grammar distracts the reader. Poor grammar makes a lawyer appear sloppy, uneducated, and unintelligent. We're returning to middle school to re-learn fundamental grammar rules, including rules on punctuation and capitalization. You'll never again question whether you need a comma.

10:30 to 11:20 a.m.

Persuasive Writing

Persuading the judge or opposing counsel wins arguments. A motion that cites non-binding precedent without a reason the court should follow the precedent is not persuasive. A motion that hides in a footnote law adverse to your client's position is not persuasive. A motion that ignores facts adverse to your client's position is not persuasive. We'll learn how to best use non-binding precedent, adverse law, and adverse facts to persuade the reader to side with your client.

11:30 a.m. to 12:00 p.m.

Ethics, Professionalism, and Writing

Are you obligated to include adverse case law in your motion if no binding precedent exists? Should you call the argument of the opposing side "disingenuous"? When should you supplement a motion or brief? We'll learn answers to these questions and more.

12:00 to 12:20 p.m.

Editing 101

Typographical errors distract the reader. Typographical errors make a lawyer appear sloppy, rushed, unorganized, and inattentive. Unnecessary words waste the reader's time. We'll learn tried-and-true methods of editing to eliminate typographical errors and unnecessary words. We'll also learn about online editing tools.
