# Legal Writing II

#### LAW 6930, Section 1 W (cLASS NO. 29945)

#### 3 Credit Hours

#### sPRING 2023

#### Class location: 283 Holland hall

#### TuesDAYS AND ThurSDAYS, 3:30 – 4:55 pm

professor: Mary E. Adkins

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Office Phone: 352.273.0880

Office Location: 318 Holland Hall

office Hours:

Tuesdays 9:25 – 10:40, Thursdays 12:55 – 1:40, and by appointment. While you may always walk in during office hours, by signing up through Canvas you will have priority. I will hold extended office hours during the weeks before assignments are due. This will ensure that all students wanting to meet can do so.

Please keep in touch with me! I try to respond to emails quickly. Please contact me if you have any questions regarding the course or a specific assignment.

Course Website: <http://elearning.ufl.edu/> You are responsible for reviewing the page for course updates. I use the “Announcements” section of Canvas as my main source of communication with my students. Check it frequently. I also use the e-mail feature.

Required Texts:

Rocklin, Rocklin, Coughlin, and Patrick, *An Advocate Persuades* (2016)

The Bluebook: *A Uniform System of Citation* (21st ed.)

Course Objective and Goals:

The primary objective of this course is for you to learn how to construct a thorough legal argument and express it effectively and persuasively in writing.  An additional objective is for you to learn how to perform effectively in presenting oral argument in support of your legal position. Finally, you will further refine your research strategies.

Upon completion of this course, you should be able to:

* Continue practicing how to research, analyze, and write about legal issues under time constraints.
* Demonstrate increasing levels of citation literacy: the ability both to read legal citations and to write them with appropriate placement and style.
* Apply a lawyer’s ethical and professional standards in the context of written and oral advocacy.
* Frame a legal issue to persuade a court to rule in your favor.
* Demonstrate ability to engage in effective legal analysis and advocacy through, for example, constructing persuasive rules, effectively employing analogical reasoning, strategically applying law to fact utilizing policy arguments and selecting a persuasive and logical organizational structure.
* Demonstrate an ability to communicate your legal analysis in a polished, readable, and appropriately concise written product, including motion memos and appellate briefs.
* Demonstrate a fundamental understanding of the trial process, including the filing of trial motions.
* Demonstrate an understanding of the basic appellate process and fundamental appellate concepts, including the decision to appeal.
* Edit and proofread persuasive legal documents.
* Present legal arguments, and answer questions effectively, in meetings or simulated hearings.
* Prepare and effectively present an oral argument in support of your legal position in a simulated appellate oral argument.

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

Course EVALUATIONS:

Please provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at https://gatorevals.aa.ufl.edu/students/.  UF will notify you when the evaluation period opens; you can complete evaluations through the email you receive from GatorEvals in their Canvas course menu under GatorEvals OR via https://ufl.bluera.com/ufl/.  Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

## Course Policies:

Attendance Policy:

I will circulate an attendance sheet during each class period. You are expected to attend every class. However, **missing more than two class periods may result in a reduction of your final grade, and missing more than six classes will result in a failing grade in the course.**

Excessive tardiness will also result in a grade penalty.

group work and Assignment PolicieS:

During the semester, our class will be divided into small groups of five to six students working with one teaching assistant. We will use these groups for in-class activities including writing labs, case discussions, peer review, research assignments, oral arguments, and other in-class exercises. Your teaching assistant will also assist out of class with assignments.

I encourage you to get to know your TA and speak with him or her regularly.

*Class Participation*

Participation grades are based on class preparation, class participation (both online and in person), successful completion of all assignments, and active participation in in-class group exercises.

*Late Policy*

Late assignments **will result** in your grade being lowered by one grade increment per day. An assignment will not be accepted if it is more than three days late.

*Professionalism*

I will run our classroom like a law office. Students are the new “associates”; TAs are the senior associates; and I am the law partner. I expect professionalism at all times. Each assignment is important and I expect you to write, revise, proofread, and then proofread again.

*Plagiarism and Collaboration*

All work in this class must be your own. You may discuss cases and ideas; however, you may show your written work product only to me and your TA. In this class, you may not review the work of a fellow student or allow another student to review your work, unless expressly authorized by me.

Plagiarism is a very serious offense. There are detailed policies regarding what constitutes plagiarism in your student handbook. Ignorance of the policies is not a defense to a charge of plagiarism.

COMPuter policy:

You may use your laptop or tablet for taking notes (even though many studies show that taking notes by hand is more effective). However, if you are doing anything not directly related to this class, I will penalize you. We will use computers in class frequently, so do plan to have it available.

ZOOM policy:

We may have a few classes via Zoom. Please comply with the following during Zoom sessions:

* Cameras are required to remain ON during the entire session.
* Use the “Raised Hand” button to ask questions during a session.
* Please dress appropriately—as you would during an in-person class—during Zoom sessions.

## UF Policies:

University Policy on Accommodating Students with Disabilities: Students requesting accommodation for disabilities 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 the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive; therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

University Policy on Academic Misconduct: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

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>

## Getting Help:

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

* Counseling and Wellness resources
* Disability resources
* Resources for handling student concerns and complaints
* Library Help Desk support

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

## Grading/Course Policies:

15% Trial memo

25% Appellate Brief

10% Participation+(including class, small parts of brief, oral argument preparation and participation)

50% Final

The policy for exam delays and accommodations can be found [here](https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form).

Additionally, from time to time I may give “advisory grades” on other assignments. While these do not “count,” they indicate how well you are doing so that you can apply that knowledge to the assignments that do “count.”

Grading Scale:

Grades are recorded permanently by the Office of the University Registrar. The grade point average (GPA) is determined by computing the ratio of grade points of semester hours of work attempted in courses in which letter grades are assigned. Students receive grade points according to the following scale:

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| **Grade** | **Points** |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B (Good) | 3.0 |
| B- | 2.67 |
| C + | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0 |
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**No conferences will be held within the 24 hours prior to an assignment due date. This rule applies to conferences with me and with your TA.**

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## Course Schedule and assignments (subject to change):

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| Wk/Cl/Date | Topic | Task type | Description |
| 1-1; Jan. 17 | Overview of Persuasive Writing | Reading: | Canvas page; syllabus; chapters 1, 2, 3 of text |
| 1-2; Jan. 19 | Complaints, trial motions & memoranda; intro to WA#1 | Reading:  Activity:  Homework: | Chapters 4, 10, App’x B; WA#1 description  Is Cereal with Milk Soup?  Research legal standard for MSJ in U.S. District Court, N.D. of Illinois; upload citation & 1 paragraph to Canvas\*; read for next class |
| 2-3; **Jan. 23, 3:10 – 4:35 p.m.**  **(make-up for Jan. 26)**  HOL 284 | Charting Key Cases & Staying Organized | Reading:  Activity:  Homework: | Ch. 6, Cases & documents on Canvas for today  Chart WA#1 cases in groups  Finish charting cases; read for next class. |
| 2-4; Jan. 24 | Writing a Persuasive Statement of Case & Facts | Reading:  Activity:  Homework: | Chapters 6, 7.1, 12  Discuss Key Cases  Write a 1-page statement of facts including a 1-to-3-sentence theme; read for next class. |
| Jan. 26 | No class: | See Jan. 23 |  |
| 3-5; Jan. 31 | Organizing Arguments; Point Headings | Reading:  Activity:  Homework: | Ch. 7; ch. 9, pp. 191-96 (9.II)  Self-Review Statement of Facts; Group Review of Theme  Draft Point Headings & Opening Conclusions; preliminary sketch of argument; read for next class. |
| 3-6; Feb. 2 | Persuasive Rule Statements, Explanations, & Case Illustrations | Reading:  Activity:  Homework: | Ch. 8  Self-Review Point Headings  Draft Rule/Rule Explanation for Trial Memo (WA#1); read for next class. |
| 4-7; Feb. 7 | Persuasive Rule Application; handling counter-arguments | Reading:  Activity:  Homework: | Ch. 8.3, ch. 9  TBA  Draft Application for Trial Memo |
| 4-8; Feb. 9 | Review rule explanation & application | Reading:  Activity: | None; bring what you’ve drafted so far.  TBA |
| 4-9; **Feb. 10**  9 a.m. | Maguire Moot Court Competition | Reading:  Activity: | Maguire Record on Appeal (optional)  Attend or watch remotely; write 200-word response |
| 5-10; Feb. 14 | Editing for Persuasion | Reading:  Activity:  Homework: | Ch. 13.1, 13.2 (A, B, C)  In-class editing-for-persuasion activity TBA  Check your own persuasiveness; check citations |
| 5-11; Feb. 16 | Grammar & Proofreading | Reading:  Activity: | Ch. 13.2 (D, E), 13.3, 13.4, 13.5  Proofreading Bingo |
| **Sat., Feb. 18** | **Trial Memo (WA#1)** | **Due** | **In Canvas by 11:59 p.m.** |
| 6-12; Feb. 21 | Review appellate record & new cases | Reading:  Activity & Homework: | Ch. 5, additional caselaw & record on appeal on Canvas  Chart new case law |
| 6-13; Feb. 23 | TBA: Possible Guest Speaker | Reading:  Homework: | Appendix C; re-read Ch. 12.  Research Standard of Review; do ICW 16; Draft SOCAF |
| 7-14; **Feb. 27**  **3:10-4:35**  **284 HOL**  **(make-up for Mar. 2)** | Transition to Appellate Writing: Review & Contrast | Activity:  Homework: | Review Standard-of-Review Research  Draft Question Presented & Brief Answer |
| 7-15; Feb. 28 | Roadmaps, Point Headings, Subheadings | Reading:  Activity:  Homework: | Review ch. 7, ch. 13 pp. 291-92  Peer review discussion of SOCAF, QP, BA  Prepare for individual writing conference with prof; work on new argument |
| Mar. 2 | No Class: | See Feb. 27 |  |
| Week 8 | Mini-Orals  (class 16) | This Week | Scheduled with your TA group |
| 8-16; Mar 7 | Required Individual writing conferences with professor | Activity: | 1. Schedule conference through Canvas; 2. Prepare & e-mail to prof ahead of time a document a) analyzing how you are improving & adapting your “notice” argument for the appellate brief, and b) outlining your remediate-measures argument for the appellate brief. |
| 8-17; Mar. 9 | Supreme Court oral argument | Asynchro-nous activity:  Homework: | Listen to U.S. or Florida Supreme Court oral argument TBA.  Write a 200-word reflection. |
|  | SPRING | BREAK | RELAX! |
| **Week 9** | **Practice Orals**  **(class 18)** | **This Week** | **Scheduled with your TA group** |
| 9-19; Mar. 21 | Intro to Oral Argument | Reading:  Activity: | Ch. 14  Arguing “Off-Brief” |
| 9-20; Mar. 23 | Guest Speaker |  | Oral Argument |
| **Week 10** | **Final Orals**  **(class 21)** | **This Week** | **Scheduled with your TA group in evening** |
| 10-22; Mar. 28 | Appellate Brief Q & A |  |  |
| 10-23; Mar. 30 | Revisit Topics as Needed |  | Class Time as Draft Time |
| **Sat., Apr. 1** | **Appellate Brief (WA#2)** | **Due** | **11:59 p.m. in Canvas. No joke!** |
| 11-24; Apr. 4 | Course Evals; Oral Argument Debriefing | Activity:  Homework: | Course Evals; ICW 6, 7, 12, & 13  Complete these by Apr. 11. |
| Apr. 6 | No Class |  |  |
| 12-25; Apr. 11 | Wrapping up | Activity:  Homework: | In-class global feedback on Appellate Brief; Research standard of review for Final Project  Complete the research activity & submit by Sat. Apr. 8, 11:59 p.m. |
| 12-26; Apr. 13 | Research review; final project tips |  |  |
| **Sun., Apr. 16** | **FINAL** | **PROJECT** | **DROPS** |
| 13-27; Apr. 18 | Tips from TAs |  | Q&A—TAs answer your questions about co-curriculars, summer work, et cetera. |
| **Sun., Apr. 23** | **FINAL** | **PROJECT** | **DUE by 11:59 p.m.** |