Legal Writing & Research for LL.M. in U.S. Law

Joshua Alter
Director of Non-JD Programs
Adjunct Professor

Alter@law.ufl.edu | 352-273-0896 | [Schedule an Appointment](https://calendly.com/alter-2/current-student-calls?month=2020-07&date=2020-07-29)

Learning Outcomes/Course Goals:

By the end of this course, students should be able to:

* Write case briefs to prepare for doctrinal courses;
* Structure legal analysis in IRAC format;
* Write professional communications in legal practice including an e-mail explaining a legal issue;
* Write an inter-office memorandum providing a supervisor with an answer to a legal issue;
* Understand how to conduct basic legal research using U.S. databases;
* Understand how to write and read basic citations in Bluebook format;
* Understand the differences between an objective memorandum and a persuasive brief;
* Conduct an oral argument and respond to questions from judges; and
* Understand effective ways to structure analysis for final examinations.

Course Materials:

* John B. Thornton, U.S. Legal Reasoning, Writing, and Practice for International Lawyers, 2014 (LexisNexis) (9780769856568).
* The Bluebook 21st Edition.
* Other materials to be provided via Canvas.

Assessments:

|  |  |
| --- | --- |
| Assignment #1: Case Brief | 5 |
| Assignment #2: Case Chart | 5 |
| Assignment #3: IRAC | 5 |
| Assignment #4: Office E-Mail | 10 |
| Assignment #5: DOJ Opinion Letter Decision | 15 |
| Assignment #6: Inter-Office Memorandum | 15 |
| Assignment #7: Appellate Brief | 20 |
| Assignment #8: Oral Arguments | 10 |
| Attendance, Participation and Classroom Work | 15 |
| **Total** | 100 |

Virtual Office Hours:

* Thursdays, 4:00-5:00pm
* Fridays, 3:00-4:00pm
* [Schedule an Appointment](https://calendly.com/alter-2/current-student-calls?month=2020-08)

**Grading information (what the final grade will consist of) and the grading scale.**

The Levin College of Law’s mean and mandatory distributions are posted on the College’s website. The following chart describes the specific letter grade/grade point equivalent in place:

|  |  |
| --- | --- |
| Letter Grade | Point Equivalent |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 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  |

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>. **Note that the mandatory mean does not apply to LL.M. students.**

**Accommodations:**

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 Dean Rachel Inman 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.

**Honor Code and Other Polices:**

Students are required to follow the Honor Code. To review its requirements see <http://www.law.ufl.edu/student-affairs/additional-information/honor-code-and-committee>.

Students are expected to 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/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they 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/>.”

**Workload/class preparation**

Students should expect to spend, on average, approximately two hours preparing for every hour of class. Reading assignments will be posted on the “Modules” link on the Canvas site (located on the left side of the Canvas site).

**Safety Protocols**

We will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions:

* You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
* This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
* Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
* Follow our guidance on how to enter and exit the classroom. Practice physical distancing to the extent possible when entering and exiting the classroom.
* If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return too campus. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.
* Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>. Please reach out to Dean Inman for access to recordings if you have an ADA [Americans with Disabilities Act] accommodation or are required to miss class because of illness.

|  |  |  |  |
| --- | --- | --- | --- |
| Class | Topic(s) | Readings (see Canvas) | Assessment  |
| 0 |  | Zero-L Course; Thornton, pp. 1-60 (skim) |  |
| 1 | Course Introduction; Syllabus Review; Foreign-Educated Lawyers, Legal English, and *Animal Science Products*; Introduction to Legal Research, Legal Analysis, and Legal Writing  | Thornton, pp. 61-92; 85-91; *Animal Science Products*; *Quattlebaum* | **#1: Case Brief** |
| 2\* | Court Systems; Using Precedent; Comparing & Distinguishing Cases  | Thornton, pp. 93-98; *Barney; Murray; Mullally;* other assigned readings on Canvas | **#2: Case Chart** |
| 3 | IRAC; The Foreign Corrupt Practices Act as a Vehicle for Teaching a Legal Writing Course for Foreign-Educated LLM Students | Thornton, pp. 115-142; FCPA Text; DOJ Resource Guide; other assigned readings on Canvas  | **#3: IRAC** |
| 4 | Introduction to Legal Research; Closed-Universe Research for Law School; Open-Universe Research for Law School and in Practice; Legislative History | Thornton, pp. 263-276; FCPA Text; DOJ Resource Guide; *Kay*; other assigned readings on Canvas |  |
| 5 | Legal Analysis; Advanced IRAC; Office E-Mail Answer | Thornton, pp. 143-152; Appendix D; Appendix E; FCPA Text; DOJ Resource Guide; Kay; other assigned readings on Canvas | **#4: Office E-Mail** |
| 6 | Legal Writing; DOJ Opinion Letter | Thornton, pp. 253-262; 295-320; FCPA Text; DOJ Resource Guide; Kay; other assigned readings on Canvas | **#5: Opinion Letter**  |
| 7\* | *Guest Lecturer (TBC);* Mid-Semester Conferences | Other assigned readings on Canvas |  |
| 8 | Legal Citations; Bluebook; Advanced Legal Research; | Thornton, pp. 183-206; FCPA Text; DOJ Resource Guide; *Esquenazi*; other assigned readings on Canvas |  |
| 9 | The Inter-Office Memorandum: Part I | Thornton, pp. 153-182; 207-216; Appendix B; *Esquenazi*; other assigned readings on Canvas |  |
| 10 | The Inter-Office Memorandum: Part II | Thornton, pp. 217-252; Appendix C; *Esquenazi*; other assigned readings on Canvas | **#6: Inter-Office Memorandum** |
| 11 | Appellate Advocacy: The Persuasive Brief | Thornton, Appendix K; Appendix L; other assigned readings on Canvas |  |
| 12 | Appellate Advocacy: Oral Arguments | Other assigned readings on Canvas | **#7: Appellate Brief** |
| 13\* | Course Review; Writing Final Exams | Thornton, pp. 277-294; 339-350; other assigned readings on Canvas | **#8: Oral Arguments** |

\* Denotes a class I expect to meet remotely.

Tentative Schedule for First Two Classes (as of August 6, 2020)

**Note: Students are expected to complete each set of readings before we meet.**

Pre-Course Suggested Readings:

* *Thornton* pp. 1-60 and/or
* Zero-L course

**August 27, 2020 (Class #1)**

* Course Introduction
* Syllabus Review
* Foreign-Educated Lawyers, Legal English, and *Animal Science Products*
* Introduction to Legal Research, Legal Analysis, and Legal Writing

**Readings (Note: All readings must be completed before the class):**

* [Animal Science Products v. Hebei Welcome Pharmaceutical](https://www.supremecourt.gov/opinions/17pdf/16-1220_3e04.pdf), 585 U.S. \_\_\_\_\_ (2018)
* NY Burglary: [Third Degree](https://www.nysenate.gov/legislation/laws/PEN/140.20), [Second Degree](https://www.nysenate.gov/legislation/laws/PEN/140.25), [First Degree](https://www.nysenate.gov/legislation/laws/PEN/140.30)
* People v. Quattlebaum, 91 N.Y.2d 744 (NY Court of Appeals)
* Thornton, pp. 61-92

**Assessment #1:** Case Brief (5 points) (due before Class #2)

**September 3, 2020 (Class #2)** **[Synchronous, Online Session]**

* Court Systems
* Using Precedent
* Comparing & Distinguishing Cases

**Readings**

* *Thornton*, pp. 93-98
* Court System Outline, <https://www.nycourts.gov/ctapps/outline.htm>
* People v. Barney, 99 N.Y.2d 367 (NY Court of Appeals)
* People v. Murray, 278 A.D.2d 898 (Appellate Division, Fourth Department)
* People v. Mullally, 38 Misc.3d 1002 (Supreme Court, Queens County)
* Optional: Georgetown University Law Center, The Writing Center, How to Craft an Effective Case Comparison, <https://www.law.georgetown.edu/wp-content/uploads/2018/07/How-to-Craft-an-Effective-Case-Comparison.pdf>

Assessment #2: Case Chart (5 points) (due before Class #3)