

Legal Writing

Section 3, Fall 2020

Prof. S.L. Bishop, s.bishop@law.ufl.edu

Class Hours: Mon/Thu, 3:30-4:25PM

Office Hours: Weds, 3-5PM

GENERAL INFORMATION

This one-semester course, required for graduation, introduces you to the form and content of accepted legal writing, focusing on clear, thorough written analysis in predictive legal writing. Next semester, you will build on these skills to learn about persuasive legal writing. In your 2L year, you will build on them again to learn how to draft binding legal documents.

Required Texts

1. Chew & Pryal, *The Complete Legal Writer* (2d ed. 2020) (“CLW”)
2. *The Bluebook: A Uniform System of Citation* (21st ed. 2020)
3. McKinney & Pryal, *Core Grammar for Lawyers* (“CGL”). Buy at <http://coregrammar.com/getcgl>, using the discount code **UFL2020** and the course code **320-72-9875**
4. LexisNexis Interactive Citation Workstations (“ICWs”)
5. Additional materials I will post to the course website as necessary

Learning Aims & Outcomes

The primary objective of this course is to teach you how to analyze a legal issue rigorously and to express that analysis effectively in writing. By the end of the course you should be able to:

- Understand the U.S. legal system and how lawyers use law to resolve legal problems;
- Identify legal issues affecting a client’s situation;
- Review facts and evaluate their relevance to a client’s legal 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 a precise, clear, organized analysis of a legal issue predicting its outcome;
- Use effective topic sentences, transitions, and organization;
- Apply ethical and professional standards in crafting your written work;
- Use accepted grammar, syntax, punctuation, and legal citation formats; and
- Effectively and critically revise, edit, and proofread your legal writing.

The ABA requires that you spend an average of at least four hours per week on work outside of class for this two-credit course.

Course Website

You will be able to access the course website via <https://elearning.ufl.edu/> starting a few days before our first class. **You must check the course website frequently.** All course business will be conducted through the website: I will post all reading assignments, supplemental readings, and course announcements there; you will turn in all your written work there; you will receive feedback from your TAs and me there; you will find the Zoom links for online classes there; and you can sign up for office hour slots there.

Office Hours

Wednesdays, 3-5PM, via Zoom. Please sign up for a slot through the course website. I am also happy to meet with you at other times—email me to set up a time. I will extend my office hours during the weeks before major assignments are due to ensure that anyone who wants to meet with me can do so.

There is one exception: neither I nor your TAs will meet with you at any point after you have received your final memorandum assignment but before you have turned it in.

Please note that, under UF's policies to prevent the spread of Covid-19, neither I nor your TAs may meet with you in person this semester; we can only meet via Zoom.

Legal Writing Teaching Assistants

Your Legal Writing TAs for this semester are:

- JP Leonard, jp.leonard@ufl.edu
- Kebin Lopez-Bautista, klopezbautista@ufl.edu
- Sarah Niss, sarahniss@ufl.edu
- Amber Sowell, vasowell@ufl.edu

They are all 2L students who did well in their first-year writing courses and are committed to helping you excel.

ASSIGNMENTS & GRADING

Through the semester, you will turn in six major written assignments (in addition to minor assignments such as quizzes):

1. Case summary
2. Closed-universe discussion section of a legal memorandum
3. Client letter
4. Professional email
5. Open-universe full legal memorandum
6. Final, full legal memorandum

There is no traditional final exam in this course—the final memorandum takes the place of an exam and will constitute 65% of your overall grade for the course. The other 35% of your overall grade will be determined by your performance on all other assignments; your class participation and attendance; and

your timely and successful completion of CGL and the assigned ICWs. Your overall grade will be lowered if you turn in any assignment late (see “Late Policy” below).

Like all required courses, this course adheres to the law school’s mean and mandatory grade distribution, set out at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies#grade-distribution>

Late Policy

You must turn in your written assignments via the course website by 10PM on the due date.

If you turn in an assignment late, I will lower your **overall** grade for the course by one grade increment per day (*e.g.*, from an A- to a B+). I will not accept any assignment turned in more than three days late. If you know you cannot turn in an assignment on time, you must request an extension from me in advance.

I will strictly enforce this policy. If you are not yet in the habit of keeping a personal calendar, start now.

Academic Honesty & Plagiarism

All work you submit in this class must be your own. You may discuss cases and ideas with your classmates, but you may show your written work product only to me and your TAs. Academic honesty and integrity are fundamental values of the UF community. You must be sure that you understand the UF Student Honor Code set out at <https://sccr.dso.ufl.edu/policies/student-honor-code-student-conduct-code/>, which explains in detail what conduct constitutes plagiarism. Ignorance of the rules is not a defense.

COURSE, SCHOOL, & UNIVERSITY POLICIES

Attendance & Punctuality

Because this is a practical course, you will not be able to achieve the course objectives without attending class and actively participating in the discussions and exercises. You may miss two classes without penalty. If you miss more than two classes, I may reduce your final grade. **If you miss more than five classes, you will fail the course.** In accordance with UF policy, I will excuse an absence to observe a holy day of your faith only if you notify me of the absence in advance.

Punctuality is part of the professionalism expected of you as future lawyers. Please be in your seat (or logged in, if online) and ready to begin class at the scheduled time. If you arrive (or log in) more than 10 minutes late, I will mark you as absent. Similarly, you may not leave class early without my prior permission.

Policies To Prevent the Spread of Covid-19

The university and law school have put many requirements in place to keep our community safe, including that you must wear an approved face covering and maintain a six-foot distance from others at all times during class. **If you refuse to follow these requirements, I will have you removed from the course.**

If you are experiencing COVID-19 symptoms, 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 to campus. If you are well enough to attend class online, please do so. If not, please contact me for an excused absence.

Online Class Etiquette

To facilitate group discussion and allow you to work with your TAs, we will hold some classes on Zoom. You will find the Zoom link for each class on the course website. Please be logged in and ready to begin class at the scheduled time.

You must keep your webcam on throughout an online class. I encourage you to use a Zoom “virtual background” if you wish, but the background you use must be neutral and professional. The law school provides several such options here: <https://www.law.ufl.edu/zoom-backgrounds>

Please log in from a quiet, distraction-free room, and mute your microphone during class when you are not speaking.

Accommodations

I am committed to making this course accessible to all. If you need accommodations for disabilities, the first step is to register with UF’s Disability Resource Center (<https://disability.ufl.edu/>). The Center will issue a letter setting out the accommodations you are entitled to, which you must present to Dean Mitchell, the Assistant Dean for Student Affairs. Dean Mitchell will then work with me to make sure I properly implement your accommodations. Please follow this procedure as early as possible in the semester. I am not permitted to grant you any accommodation not reflected in your letter and approved by Dean Mitchell.

Course Evaluation

At the end of the semester, you will be expected to provide professional and respectful feedback about this course through an online evaluation. You can find guidance on how to give appropriate feedback at <https://gatorevals.aa.ufl.edu/students/>. You will receive an email from GatorEvals when the evaluation opens, and I will allot time in one of our final class periods for you to complete it.

GETTING HELP

Part of professionalism is knowing when to ask for help. If you are struggling, UF provides many resources to help you through law school, including several options through UF’s Counseling & Wellness Center. You can find a partial list here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/have-a-problem-we-can-help>

PRELIMINARY COURSE OUTLINE

The following outline is preliminary only and will change as the course progresses. You must check the course website regularly for new reading assignments, detailed instructions on written assignments and exercises, and other course announcements.

Assignments are due by 10PM the night before the designated class. Please note the late policy set out above.

Readings are from *The Complete Legal Writer* ("CLW") unless otherwise noted.

Wk	Date	Class Subject	Read for Class	Assignment Due Night Before Class
1	Mon 08/24	Introduction to Legal Reading, Analysis, & Writing	Course Syllabus CLW Ch 1 (Legal Discourse); Ch 3 (Legal Genres)	See course website for first-day assignment
	Thu 08/27	Sources & Systems of Law; How To Read a Case	Ch 2 (Legal Authorities); Ch 6 (Assessing Authorities); Ch 7 (Legal Reading)	
2	Mon 08/31	Legal Logic; Case Illustrations	Ch 4 (Legal Logic); Ch 5 (Legal Analysis)	CGL Pre-Test
	Thu 09/03	Case Discussion	Closed Memo assignment packet	Draft Case Summary
3	Mon 09/07	LABOR DAY NO CLASS		
	Thu 09/10	Structuring Your Legal Analysis	Ch 8 (Analysis Structure); Ch 25 (Organize an Analysis);	Case Summary
4	Mon 09/14	Introducing the Office Memo	Ch 9 (Office Memo); Ch 20 (Using Your Document Map) Review Ch 3	
	Thu 09/17	Developing Legal Rules	Ch 27 (Illustrate Rules) Review Ch 5	
5	Mon 09/21	Writing Your Analysis	Ch 26 (Write an Analysis) Review Chs 8 & 25	
	Thu 09/24	Citation	Ch 28 (Cite Authorities); Bluebook, pages 1-27; Florida Rule of Appellate Procedure 9.800 Review Ch 6 Optional: Ch 21 (Brainstorm and Outline) may help as you write your discussion section	Closed Memo Discussion Section
6	Mon 09/28	Common Issues with Closed Memo Discussion Section	Ch 29 (Revise Your Document)	All CGL modules and Post-Test (minimum score 85%)
	Thu 10/01	Shifting to Client Letter	Ch 11 (Client Letter) Review Ch 3	ICW #1 & 2

7	Mon 10/05	Revising and Redrafting	Ch 30 (Edit Your Document) Review Chs 21 & 29	Draft Client Letter
	Thu 10/08	Turning to Open Memo	Open Memo assignment packet	Client Letter
8	Mon 10/12	Question Presented & Brief Answer	Review Ch 9	
	Thu 10/15	Outlining Your Argument for the Open Memo	Review Chs 5, 8, 26, & 27	ICW #3 & 5
9	Mon 10/19	Professional Emails	Ch 10 (Email Memo)	Open Memo Question Presented and Brief Answer
	Wed 10/21	<i>First District Court of Appeal Oral Arguments—date tbc</i>		
	Thu 10/22	Perfecting Your CREAC		
	Fri 10/23	<i>Moot Court Final Four—date tbc</i>		
10	Mon 10/26	SoF & Conclusion	Ch 23 (Write Effective Facts)	Professional Email
	Thu 10/29	Editing & Polishing	Review Chs 29 & 30	Open Memo SoF and Conclusion
11	Mon 11/02	Writing Workshop		
	Thu 11/05	Guest Speaker		Full Open Memo
12	Mon 11/09	<i>No class meeting: sign up for individual conferences re your full open memo</i>		
	Thu 11/12			ICW #9 & 13
13	Mon 11/16	Q&A re Final Memo (Closing the Universe)	Final memo assignment packet	
	Thu 11/19	Final Editing/Polish; Course Evaluations		
13.5	Mon 11/23	Exam-Taking & Other Tips from your TAs		Final memo