**Legal Writing**

**LAW 5792, Class #26855 (Section 6)**

**Fall 2020**

Instructor: Paige L. Carlos

Mondays & Thursdays, 3:30 p.m.-4:25 p.m.

Holland Hall, Room 270

SYLLABUS

**Professor:** Paige L. Carlos

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**Office Hours:** Tuesdays, 9:30 a.m.-10:30 a.m.

Wednesdays, 4:00 p.m.-5:00 p.m.

Thursdays, 2:30 p.m.-3:15 p.m.

and by appointment

**Required Textbooks:** Alexa Chew & Katie Pryal, *The Complete Legal Writer* (2nd ed., 2020).

*Core Grammar for Lawyers* (software), by Carolina Academic Press.

*The Bluebook: A Uniform System of Citation* (21st ed., 2020).

Additional Course Materials available on Canvas

(These books will also be used during Spring 2021 for Persuasive Writing & Appellate Advocacy.)

**Suggested:** Deborah Cupples & Margaret Temple Smith, *Grammar, Punctuation & Style: A Quick Guide for Lawyers & Other Writers* (2013).

**COURSE OBJECTIVES:**

The primary objective of this course is to teach you how to perform a rigorous analysis of a legal problem and express that analysis 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 obligations in crafting your written work;
* 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 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.

**Note:** You will learn how to conduct legal research in a separate course. However, your research professor and I will collaborate, and one of your research exercises will require you to locate authority to use in a memorandum for my class. We will provide more details as they become relevant.

**ATTENDANCE:**

We will take attendance during each class period. You are permitted to miss two classes without penalty. Your participation grade may be lowered due to additional unexcused absences. Missing more than six classes will result in a failing grade in the course.

Excessive tardiness may also result in a grade penalty. Requirements for class attendance, assignments, and other work in this course are consistent with UF policies posted at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

**CLASS PREPARATION:**

You are expected to read all assigned materials and complete all assigned exercises, if any, before class. You will be called on in class to discuss the material and exercises assigned. If you are unprepared to discuss the material or exercises assigned for class, you will be counted as absent for the day.

**CORE GRAMMAR FOR LAWYERS:**

Lessons must be completed outside of class. The Pre-Test must be completed by Friday, August 28, 2020. The Post-Test must be completed by Friday, October 2, 2020. You will earn 100 points for completing the Pre-Test *and* achieving at least 85% on the Post-Test by the specified deadlines. It is each student’s responsibility to work on the lessons early in the course and not procrastinate. All too often, students who wait to do the lessons close to the Post-Test deadline fail to achieve the minimum score needed to receive credit for Core Grammar. Students who fail to achieve an 85% or higher on the Post-Test by the deadline stated in the Course Calendar will earn zero credit for Core Grammar.

Information on Accessing Core Grammar:

1. Go to <http://coregrammar.com/getcgl> in your browser.

2. Complete the form and be sure to select "FL" for your state and "University of Florida - F. G. Levin College of Law" for your school.

3. On the payment page, enter "**UFLL2020**" in to the Access Code field. Your discounted price will appear immediately. You need to purchase a one-year subscription.

4. Enter your credit card information below, verify the purchase, and continue on to create your Core Grammar for Lawyers account.

5. To activate your subscription, you will enter a Class Code, unique for our section, that I will provide you via Canvas by or before the first day of class. Do not use a Class Code from another professor.

6. You will be able to start using CGL as soon as you are provided with our Class Code. Before we meet for Week 2 of classes, you must take the Pre-Test (available on a link from the home page or “Bookshelf”).

**LEXISNEXIS INTERACTIVE CITATION WORKSHIP (“ICW”):**

This is a free online platform that tests Bluebook citation proficiency. These ICW exercises are tracked online and must be completed no later than the deadline specified below and in the Course Calendar. Prior to beginning the exercises, select your Professor’s name so that she may see your certificates of completion as you receive them. For each question in the ICW, you have five chances to get the right answer. You will be assigned a total of six sets of ICW exercises. You will earn 100 points for completing all six sets of these ICW exercises and providing a correct response to all the questions, even if it takes you five chances. You will lose points for each question you fail to answer correctly.

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| --- | --- |
| **Due Date** | **Assignment** |
| September 20 | ICW exercise #1 (case names); ICW exercise #2 (case location) & ICW exercise #3 (court & date) |
| October 11 | ICW exercise #5 (short forms of cases) & ICW exercise #6 (federal statutes) |
| October 18 | ICW exercise #13 (signals) |

Note that these assignments may be completed ahead of schedule, but they must be completed and submitted by 11:59 p.m. on the deadline.

**GRADING:**

Assuming a student has a satisfactory attendance record, the student’s final course grade

will be determined primarily by your performance on your Final Writing Assignment. This assignment will serve as your ‘final exam’ and will offer you the opportunity to apply the skills you develop during the course.

Timely and satisfactory performance in all class activities and interim assignments is also required. Thus, 65% of your grade is based on the Final Writing Assignment, and 35% on your timely and satisfactory performance on all other written assignments, in-class quizzes, citation and grammar exercises, writing conferences, as well as on your class participation.

**Summary of Assignments, Due Dates and Their Relative Weight**

|  |  |  |
| --- | --- | --- |
| **Assignment** | **Due Date\*** | **Weight** |
| Core Grammar Pre-Test | August 28 | 35% |
| Case Description Assignment | September 4 |
| Memo I Assignment | September 25 |
| Core Grammar Post Test (Minimum Score of 85%) | October 2 |
| Client Letter on Memo I Assignment | October 9 |
| Memo II Email Assignment | October 23 |
| Memo II Assignment | November 6 |
| ICW Exercises | *see due dates above and on course calendar* |
| Final Writing Assignment | November 23 | 65% |

\* **due by 11:59 p.m. on date listed**

**GRADE VALUES FOR CONVERSION:**

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Letter Grade | A | A- | B+ | B | B- | C+ | C | C- | D+ | D | D- | E |
| Grade Points | 4.0 | 3.67 | 3.33 | 3.0 | 2.67 | 2.33 | 2.0 | 1.67 | 1.33 | 1.0 | .67 | 0 |

The law school grading policy is available at: <http://www.law.ufl.edu/students/policies.shtml#9>. Requirements for class attendance, and make-up exams, assignments, and other work in this course are consistent with University of Florida policies that can be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

**POLICY REGARDING LATE SUBMISSION OF ASSIGNMENTS:**

A penalty for late submissions will be imposed. If you turn in a writing assignment late, and have not received prior permission from me, the grade on **that assignment** will be lowered by one letter grade for every 24 hours the paper is late. Your FINAL GRADE will be lowered by one step (for example, B+ to B) for every 48 hours any paper is late. If you have an emergency, you must contact me at your earliest opportunity to obtain a special arrangement. There is no guarantee that I will allow any special arrangement or late submission of work absent a true emergency. This is the same professionalism you would be expected to provide to your law partner, a judge, or a client. Your professional career starts now.

If you have a religious holiday that falls on a class date or assignment due date, please contact me BEFORE that holiday to make arrangements. However, it is the University of Florida’s policy to accommodate religious holidays, and that policy will be honored.

**CLASS PARTICIPATION:**

Students are expected to complete all readings prior to class. Your readings are outlined in the syllabus. Additional readings may be assigned during the semester and posted to the Canvas site for this course. Your participation grade is based on not only in class participation, but also on your successful completion of all assignments. Each assignment will be evaluated for completeness, accuracy and timeliness.

**OTHER POLICY STATEMENTS:**

A. Policy related to Make-up exams or other work.

The law school policy on delay in taking exams or submitting other assignments can be found at: <http://www.law.ufl.edu/students/policies.shtml#12>.

B. Statement related to accommodations for students with disabilities.

Students requesting classroom accommodation must first register with the Disability Resource Center (tel: 352-392-8565, or online at: <http://www.dso.ufl.edu/drc/> ) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the Dean Mitchell when requesting an accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

C. Evaluations.

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 or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

D. Honor Code.

*Collaboration*. You are bound strictly by the Honor Code. We will have some in-class group assignments. However, for the main written assignments, the work you do must be your own. Although you may discuss assignments with each other, you may not give answers to anyone, receive answers from anyone, read the work of another student (whether or not that student is enrolled in Legal Writing) or allow student to read your work. From time to time, this rule may be relaxed for a specific project, but I will let you know if, and exactly when, this is done. If you need help completing your assignments, please see me or contact your teaching assistant.

*Plagiarism*. Representing another’s work as your own constitutes plagiarism. Further, paraphrasing or quoting from a case, law review article, or any other source without properly acknowledging the source or without including quotation marks where such marks are appropriate constitutes plagiarism. The commission of plagiarism is prohibited. Any paper evidencing plagiarism will 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.

E. Format Requirements.

All writing assignments this term should be written in 12-point Times New Roman font, double-spaced, one-inch margins on all sides, and NOT justified, so that the text has a jagged edge on the right (like the text in this document). Each page should be numbered (bottom, center), and all citations should comport with the rules of *The Bluebook* or Florida Rules of Appellate Procedure 9.800.

F. Class Preparation.

This course complies with ABA Standard 310. The required readings for this course, will require approximately 120 minutes of reading and preparation for each class session.

G. Your Responsibilities to Other Classes.

As an attorney you will be responsible for many clients at the same time. You must attend to the legal affairs of multiple clients at once, even when you have a big project for one client. Similarly, when you have an assignment for this course, you are still responsible for attending your other classes and completing the work for those classes on time.

H**. COVID-19 Health and Safety Requirements**

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 your TA’s 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/>.

**COURSE CALENDAR**

**Class Meeting Schedule and Assignments**

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| **Class/**  **Date** | **Topics** | **Reading and Assignments to be  Completed Before Class\*** | **Notes** |
| Class 1  8/24 Mon. | Introduction to Legal Skills Course  Making the Transition to Legal Writing  Legal Discourse | CLW Chapters 1 & 3  Syllabus |  |
| Class 2  8/27 Thurs. | Sources and Systems of Law; Legal Opinions | CLW Chapters 2, 6 & 7  How to Read a Legal Opinion |  |
| **Core Grammar Pre-Test is due by 11:59 p.m. on Friday, August 28, 2020** | | | |
| Class 3  8/31 Mon. | Legal Logic  Case Illustrations | CLW Chapters 4, 5 & 27 Review the materials for the Memo I Assignment (posted on Canvas) |  |
| Class 4  9/3 Thurs. | Case Discussion  Case Summary Description | Review the materials for the Memo I Assignment (posted on Canvas) |  |
| **Case Description Assignment is due by 11:59 p.m. on Friday, September 4, 2020** | | | |
| No Class  9/7 Mon. | **Labor Day - No Class** | ICW Exercises #1, #2 & #3 |  |
| Class 5  9/10 Thurs. | Legal Analysis Structure | CLW Chapters 8 & 25 |  |
| Class 6  9/14 Mon. | Office Memo Structure  Discussion Section Introduction | CLW Chapter 9 Supplemental Reading in Canvas |  |
| Class 7  9/17 Thurs. | Developing Legal Rules | CLW Chapters 5 & 27 |  |
| **ICW Exercises #1, #2 & #3 are due by 11:59 p.m. on Sunday, September 20, 2020** | | | |
| Class 8  9/21 Mon. | Rule Application and Legal Analysis | CLW Chapter 26  Supplemental Reading in Canvas |  |
| Class 9  9/24 Thurs. | Citations Overview | CLW Chapter 28  Bluebook pages 1-27  Florida Rule of Appellate Procedure 9.800 |  |
| **Memo I Assignment I is due by 11:59 p.m. on Friday, September 25, 2020** | | | |
| Class 10  9/28 Mon. | Common Issues with Memo I  Peer Review Exercise |  | Asynchronous Class |
| Class 11  10/1 Thurs. | Shifting Your Analysis to a Client Letter  Client Letter Description | CLW Chapter 11 |  |
| **Core Grammar Post Test (Minimum Score of 85%) is due by 11:59 p.m. on October 2, 2020** | | | |
| Class 12  10/5 Mon. | Communicating with Clients & Counsel | Supplemental Reading in Canvas |  |
| Class 13  10/8 Thurs. | Introduction of Memo II Assignment | Review the materials for the Open Memo II assignment |  |
| **Client Letter on Memo I Assignment is due by 11:59 p.m. on Friday, October 9, 2020**  **ICW Exercise #5 (Short Forms) & ICW Exercise #6 (Federal Statutes) are due by 11:59 p.m. on Sunday, October 11, 2020** | | | |
| Class 14  10/12 Mon. | Memo II Assignment Overview  Question Presented & Brief Answer | Review CLW Chapter 9  Supplemental Reading in Canvas |  |
| Class 15  10/15 Thurs. | Outlining Your Argument for Memo II | Review CLW Chapters 5, 8, 26 & 27  Supplemental Reading in Canvas |  |
| **ICW Exercise #13 (Signals) is due by 11:59 p.m. on Sunday, October 18, 2020** | | | |
| Class 16  10/19 Mon. | Professional Emails  Introduction of Memo II Email Assignment | CLW Chapter 10  Supplemental Reading in Canvas |  |
| Class 17  10/22 Thurs. | Perfecting your CREAC  Statement of the Facts  Conclusion | CLW Chapters 29 & 30  Supplemental Reading in Canvas |  |
| **Memo II Email Assignment is due by 11:59 p.m. on Friday, October 23, 2020** | | | |
| Class 18  10/26 Mon. | Individual Conferences re: Memo II |  |  |
| Class 19  10/29 Thurs. | Individual Conferences re: Memo II |  | Possible Peer/TA Review of Memo II Draft |
| Class 20  11/2 Mon. | Editing and Polishing  Write-In: be prepared to write, edit, and/or seek my help on Memo II |  | Remote/Virtual Synchronous Class |
| Class 21  11/5 Thurs. | Write-In: be prepared to write, edit, and/or seek my help on Memo II |  |  |
| **Memo II Assignment is due by 11:59 p.m. on Friday, November 6, 2020** | | | |
| Class 22  11/9 Mon. | TBD |  |  |
| Class 23  11/12 Thurs. | TBD |  | Final Memo Assignment released on Friday, November 13, 2020 |
| Class 24  11/16 Mon. | Course Evaluations  Q&A re: Final Memos |  |  |
| Class 25  11/19 Thurs | Final Class  Goodbyes |  |  |
| **Final Writing Assignment is due by 11:59 p.m. on Monday, November 23, 2020** | | | |

**DISCLAIMER**: The terms of this Syllabus are subject to modification at the Instructor’s discretion. If modifications are made, students will be notified through their Professor’s Canvas page or in class.