

Legal Writing
LAW 5792, Class #23909 (Section 2)
Fall 2021

Instructor: Paige L. Carlos
Mondays & Wednesdays, 3:30 p.m.-4:25 p.m.
Holland Hall, Room 285D

SYLLABUS

Professor: Paige L. Carlos
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Office Hours: Wednesdays, 10:30 a.m.-11:30 a.m.
Thursdays, 1:00 p.m.-2:00 p.m. (via Zoom)
and by appointment

Required Textbooks: Christine Coughlin, Joan Rocklin & Sandy Patrick, *A Lawyer Writes* (3rd ed., 2018).
Core Grammar for Lawyers, software by Carolina Academic Press.
Lexis/Nexis Interactive Citation Workstation (ICW), software by LexisNexis
The Bluebook: A Uniform System of Citation (21st ed., 2020).
Additional Course Materials available on Canvas
(These books will also be used during Spring 2022 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:

These lessons must be completed outside of class. To pass the class you must satisfactorily complete the Core Grammar pre-test and every module for which you do not “test out” in the pre-test. Please note that Core Grammar has a post-test as well; you will be required to complete that post-test by Sunday, October 3, 2021, with a minimum score of 85%. 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 "UFLL2021" into 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, enter this exact Class Code: 321-72-7400 (which is unique for our section)
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 ICW EXERCISES. This is a free online platform that tests Bluebook citation proficiency. These exercises will be completed during class. If a student does not complete the entire exercise during the designated class session, they will have until 11:59 p.m. that same evening to complete the exercise. Students may work ahead on ICW exercises but the option to reset an exercise will only be granted once. Prior to beginning the exercises, select my name so that I can see your certificates of completion as you receive them. For each question in the ICW, you will have five chances to get the right answer. Once you have completed the exercise, it is your responsibility to make sure that you properly submit by the deadline. Exercises that are still in progress after the deadline will earn no credit.

For these exercises, the standards of good faith effort, substantial completion, and satisfaction of minimum requirements will be based on whether the student achieves the minimum acceptable score on the exercise (correct answers for 50% of the exercise questions). To receive credit based on this 50% threshold, you must **complete all questions** in the assigned ICW exercise no later than the specified deadline. **The late submission of an ICW exercise will not be accepted for any reason. An ICW exercise that is submitted late will earn no credit (zero score).**

ICW Assignments and Due Dates	
Due Date (exercises due by 11:59pm on date posted)	Assignment
September 20	ICW #15
September 22	ICW #1 & 2
September 29	ICW # 3 & 5
October 6	ICW #7 & 8
October 20	ICW #9
October 25	Optional ICW #13

MEMO II CONFERENCES: For the Memo II Assignment each student is required to attend a mandatory meeting during the time period assigned for mandatory meetings (review the Course Calendar for more information). An appointment schedule will be established during the mandatory meeting period. Any student who fails to attend a mandatory meeting, arrives late for

a mandatory meeting, or is unprepared for a mandatory meeting will be penalized with a five percent (5%) deduction on their overall score for the Memo II Assignment.

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 Memo 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, 50% of your grade is based on the Final Memo Assignment, and 50% on your timely and satisfactory performance on all other written assignments, Core Grammar exercises, ICW exercises, in-class participation and written participation assignments.

Summary of Assignments, Due Dates and Their Relative Weight

Assignment	Due Date*	Weight
Memo I (Argument only)	September 19, 2021	50 %
Client Letter	September 26, 2021	
Core Grammar Post Test (Minimum Score of 85%)	October 3, 2021	
Email Memo	October 10, 2021	
Memo II (Full Memo)	October 24, 2021	
ICW Exercises	<i>See schedule above or course calendar</i>	
Participation	<i>These assignments will vary and will be announced in class</i>	
Final Memo Assignment	November 21, 2021	50%

* 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-	F
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: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>. 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 score on **that assignment** will be lowered by 10 points for every 24 hours the assignment 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 that may be necessary. 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 score is based on your preparedness and participation during class, your completion of drafts and other written assignments that will be announced throughout the semester and on your successful completion of all assignments. Each assignment will be evaluated for completeness, accuracy and timeliness.

ELECTRONICS:

While I recommend taking notes by hand, if you prefer, you may use a laptop or tablet to take notes or to engage in class activities only. Please do whatever is necessary to ensure that notifications, emails, and the like do not distract you. I may revisit or revise this policy as needed.

We will be using computers and cell phones in class frequently, so do plan to have your phone and computer available; however, you may not communicate with one another during class via electronics unless specifically instructed to do so.

ZOOM:

Please comply with the following during Zoom sessions:

- Cameras are required to remain on during the entire session.
- If you are in a group session, please use the “raise hand” feature to ask questions.
- Dress appropriately—as you would during an in-person class or meeting.
- Sit upright—as you would during an in-person class or meeting.

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: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

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 or receive answers from anyone. 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. Recording Lectures

“Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.”

COURSE CALENDAR

Class Meeting Schedule and Assignments

Class/ Date	Topics	Reading and Assignments to be Completed Before Class*	Notes
8/23 Mon.	Introduction to Legal Skills Course	<u>ALW</u> Chapter 1 Syllabus	

	Making the Transition to Legal Writing How Attorney's Communicate		
8/25 Wed.	Sources and Systems of Law; Reading for Comprehension	<u>ALW</u> Chapters 2 & 3 How to Read a Legal Opinion by Orin Kerr	<i>Complete Core Grammar Pre-Test by Sunday, August 29</i>
Syllabus Acknowledgment Form is due by 11:59 p.m. on Sunday, August 29, 2021			
8/30 Mon.	Finding Your Argument & Explaining the Law Intro to Memo I Assignment	<u>ALW</u> Chapters 4, 6 & 7	
9/1 Wed.	Applying the Law Conclusions to One Legal Argument Peer Review	<u>ALW</u> Chapters 8 (skip section 8.3), 9 & 12 (pp. 211-220) Read Memo I materials Complete case illustration (instructions will be given during class on Monday, 8/30) Bring a printed copy of your case illustration to class for peer review activity	
Memo I Outline is due by 11:59 p.m. on Sunday, September 5, 2021			
No Class 9/6 Mon.	Labor Day - No Class	<i>No assigned reading.</i>	
9/8 Wed.	Organizing Your Legal Authorities Applying the Law: Counter-analyses	<u>ALW</u> Chapters 5 & 8.3	
Memo I Draft is due by 11:59 p.m. on Sunday, September 12, 2021			
9/13 Mon.	Editing and Polishing Memo I	<u>ALW</u> Chapter 16 (pp. 259-272)	

		Bring a printed draft of Memo I with you to class to self edit	
9/15 Wed.	Editing and Polishing Memo I Questions	<u>ALW</u> Chapter 16 (pp. 272-283)	
Memo I is due by 11:59 p.m. on September 19, 2021			
9/20 Mon	Memo I De-Brief Communicating with Clients Shifting your Analysis to a Client Letter Bluebook Introduction	<u>ALW</u> Chapter 17 ICW #15 (will be completed in class)	
9/22 Wed.	Citing the Law and Avoiding Plagiarism Bluebook: Case Names & Case location In class drafting time for Client Letter	Bluebook pages 1-27 and BT1 (pp. 29-30) Florida Rule of Appellate Procedure 9.800 ICW #1 & 2 (will be completed in class)	
Client Letter is due September 26, 2021 by 11:59 p.m.			
9/27 Mon.	Communicating with Counsel Email Memo	<u>ALW</u> Chapter 18	
9/29 Wed.	Introducing and Connecting Legal Arguments Organizing your Legal Authority	<u>ALW</u> Chapters 5 & 12 ICW #3 & 5 (will be completed in class)	Moot Court Final Four will take place on Friday, October 1, 2021

	Bluebook: Court & Date; Short form citations		
Core Grammar Post-Test is due October 3, 2021 by 11:59 p.m.			
10/4 Mon.	Statement of Facts & Conclusion to the Memorandum	<u>ALW</u> Chapters 14 & 15	Mid-Semester; Virtual Class
10/6 Wed.	Question Presented and Brief Answer Bluebook: Statutes	<u>ALW</u> Chapter 13 ICW #7 & 8 (may be completed before, during or after class)	Mid-Semester: Virtual Class
Email Memo/Memo II Outline is due by 11:59 p.m. on October 10, 2021			
10/11 Mon.	Outline De-Brief	<i>No assigned reading</i>	
10/13 Wed.	Writing Workshop (In Class Drafting Time)	<i>No assigned reading</i>	
10/18 Mon.	Editing and Polishing	Review <u>ALW</u> Chapter 16 Bring a printed draft of Memo II with you to class to self-edit	
10/20 Wed.	Editing and Polishing Bluebook review	Review <u>ALW</u> Chapter 16 ICW #9 (will be completed in class)	
Memo II is due by 11:59 p.m. on October 24, 2021			
10/25 Mon.	Texting with Clients and Counsel Bluebook: Signals	<i>No assigned reading</i> Optional ICW #13	
10/27 Wed.	Guest Speaker(s)	<i>No assigned reading</i>	

11/1 Mon.	Memo II Conferences	No class. Review Memo II and attend your scheduled conference.	
11/3 Wed.	Memo II Conferences	No class. Review Memo II and attend your scheduled conference.	
11/8 Mon.	The Transition from Objective to Persuasive Writing	<u>ALW</u> Chapter 19 (pp. 329-336)	
11/10 Wed.	Course Evaluations	<i>No assigned reading</i>	Final Memo Assignment released on November 13, 2021
11/15 Mon.	Q&A re: Final Memos	Read Case File for Final Memo Assignment	
11/17 Wed.	No Class	No Class. Work on your Final Memo Assignment.	
11/22 Mon.	Final Class Goodbyes		

Final Memo Assignment is due by 11:59 p.m. on Sunday, November 21, 2021

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.