

LEGAL WRITING II (Persuasive Writing §2)

LAW 6930 (3 credits)

Professor Kristen Hardy | k.hardy@law.ufl.edu

(352) 273-0883

Spring 2022

This class will meet on Tuesdays and Thursdays from 3:00 p.m. - 4:25 p.m. in Holland Hall 360.

COURSE OVERVIEW, SYLLABUS & POLICIES

Welcome to *Legal Writing II*! This document provides an overview of the course and its learning objectives (Section I), university policies (Section II), and a topical syllabus with assignments (Section III).

I.

Course Description and Learning Objectives

When most people think about what a lawyer does, most envision an advocate who argues on behalf of their client's interests. Legal Writing I was a full stop because students were first asked to analyze a legal issue and write about it objectively, with a senior attorney as the intended audience. Now that you have mastered rule-based and analogical reasoning, IRAC/CREAC, and the Discussion Section Roadmap, it is time for you to develop your skills as an effective persuasive advocate.

This class is the second half of a two-part introductory legal writing program. Successful completion of both sections is required for graduation. This course is designed to teach you how to read, think, and write like a lawyer at the trial and appellate levels. Although this course prioritizes written advocacy, you will also have several opportunities to sharpen your oral advocacy skills as you will argue your cases at both, the trial and appellate levels.

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

1. Properly understand appellate standards of review of trial court decisions;
2. Use effective techniques of persuasion;
3. Develop a theme and integrate that theme into your argument;
4. Frame a legal issue to persuade a court to rule in your favor;
5. Present a compelling account of all relevant facts;
6. Write a persuasive argument, supported by credibility, logic, the law, and a commanding narrative;
7. Organize effectively;
8. Understand the importance of adhering to appellate procedural rules and formatting requirements for submitting appellate briefs to a court;

9. Understand the basic appellate process and fundamental appellate concepts, including the decision to appeal;
 10. Edit and proofread a persuasive legal document;
 11. Prepare and effectively present an oral argument in support of your legal position;
- And, at all times:
12. Apply ethical and professional standards to your written and oral advocacy.

Course Texts

1. JOAN M. ROCKLIN ET AL, AN ADVOCATE PERSUADES (2016)
2. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia L. Rev. Ass'n et al. eds., 21st ed. 2020)
3. Supplemental Material Posted to Canvas

Course Website

You may access the course website at: <http://elearning.ufl.edu/>. 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; and you can sign up for office hour appointment slots there.

Office Hours

I will hold office hours on Thursdays between 11:00 a.m.-1:30 p.m., beginning February 3, 2021. My office is located in Holland Hall 370C.

I will hold an **in-person office hour on Thursdays between 11:00 a.m.-12:00 p.m.** You can drop by or schedule an appointment through the course website. You will be expected to wear a mask if you meet with me in my office regardless of your vaccination status, as per the University's updated COVID guidance (<https://coronavirus.ufl.edu/university-updates/august-6-campus-brief.html>) .

I will hold a **second office hour on Thursdays between 12:30 p.m. and 1:30 p.m. for students who can meet via Zoom.** My Zoom office "door" will remain open during that time and students may meet with me with or without an appointment. My Zoom office hour link can be found on the course website.

I am also happy to meet with you at other times. I will try to accommodate any student who needs to meet with me, even if it is outside of the listed hours. These meetings may be conducted in person or via Zoom. Please contact me, should the need arise, and we will find a time that works.

Please note that **no conferences will be held within the 24 hours prior to an assignment due date. If an assignment is due on a Sunday, then no conferences will be held after 6:00 p.m. on the preceding Friday. This rule applies to conferences with me and with the TAs. Also, no conferences will be held after you receive your final memorandum assignment and before you turn it in.**

I reserve the right to amend this guidance as the semester progresses.

Legal Writing Teaching Assistants

Your amazing Legal Writing TAs for this semester are:

1. Kyler Gray (kylrgray@ufl.edu)
2. Bethany Richey (bethanyrichey@ufl.edu)
3. Jacob Rine (jakerine@ufl.edu)
4. Jessica Pearce (jpearce98@ufl.edu)

They are all 2L students who did well in their first-year writing courses and are committed to helping you succeed! You can always feel free to contact me with any course concerns or questions, but they are your **best** first line resource.

II.

Communication

Changes in class meeting times or assignments may be necessary during the semester, and you will be notified of the changes as early as possible. You are responsible for checking your e-mail and the course website daily for changes in meeting times or assignments. Further, you are responsible for complying with announcements regarding revisions to the content of this course.

Attendance

This is a skills-based course, which means that your attendance is essential to achieving the course objectives. Your active and consistent participation in the class discussions and exercises is expected and required. Put another way, class attendance is mandatory.

Missing Class. Despite our best efforts, unplanned circumstances sometime arise. Therefore, you may miss two (2) classes without penalty. If you miss more than two (2) classes, I may reduce your final grade. **If you miss more than six (6) classes, you will fail the course.**

Any days missed to observe a religious holiday will not be counted against you for attendance purposes if you notify me of the absence in advance.

Excessive tardiness will also result in a grade penalty.

Submission of Assignments

Assignment Submission. You must turn in your written assignments via the course website **by 11:59 p.m. on the due date.** *Computer problems, including e-mail or Canvas problems, should be foreseen and are not grounds for an extension.* Plan your time accordingly. 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.

Extensions. Extensions will be granted only for serious matters beyond the student's control. If you find yourself in an emergency situation, contact me. Exceptions may be made for legitimate emergencies. If possible, request an extension before the assignment's due date.

Computer Policy

Electronic devices (laptops, tablets, cell phones) should remain stowed away during class time. Please plan to take notes with paper and pen or pencil. However, we will be using electronic devices in class frequently, so do plan to have them accessible.

Course Workload and Class Preparation

Students should expect to spend at least two hours outside of class reading and preparing for every hour of class.

Professional Behavior During Class

Please do not arrive late to class or leave early absent extenuating circumstances. Please turn off cell phones during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment.

Grading and Evaluation

In this course, a student’s grade will be based on the following:

- (10%) Written Assignments #1-4 and Homework, Research Assignments, Class Participation, and Oral Arguments
- (30%) Final Appellate Brief
- (20%) Final Trial Memorandum
- (40%) Final Exam (trial memorandum)

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:

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

Additional information on the law school’s grading and evaluation policies is available in the UF Levin College of Law’s website.

Exam Delays/Accommodations Statement

The law school policy on exam delays and accommodations 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>.

Disability Accommodation Statement

Students with temporary or permanent medical conditions or physical, cognitive, or psychological disabilities may be able to receive accommodations to eliminate barriers to their success. Accommodations allow such students to not be at a disadvantage relative to other students as a result of conditions beyond their control.

In order to receive consideration for reasonable accommodations, you must complete the disability accommodation registration with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>) or the UF Disability Resource Center (<https://disability.ufl.edu/get-started/>). You will be provided with documentation which you must then present to your instructor when requesting accommodation. You must submit this documentation **prior to** submitting assignments or taking exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

Recordings & Publication of Class Discussions

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 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.”

Academic Integrity and Plagiarism

Academic integrity is the pursuit of scholarly activity in an open, honest and responsible manner. Academic integrity is a basic guiding principle for all academic activity at the University of Florida Levin College of Law, and all members of the law school community are expected to act in accordance with this principle.

In particular, the parties’ briefs and amicus briefs in *Shurtleff v. City of Boston* and similar litigation are off-limits, except as specifically noted in class.

Students may find the law school Honor Code at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>. If you have any questions or concerns, please consult with the professor.

Policies to Prevent the Spread of COVID-19

Faculty, staff, and students are all expected to follow the policies and requirements set forth by the University of Florida with respect to preventing the spread of COVID-19. These policies are subject to change from time to time. Please refer to <https://coronavirus.ufl.edu/university-updates>

for the latest guidelines. Thank you, in advance, for your community mindedness and for your efforts to help keep our law school community healthy.

If you are feeling sick in any way during the semester, please stay home and contact the Office of Student Affairs at student.svc@law.ufl.edu.

If you test positive for COVID-19 through a PCR, rapid antigen or any at-home test, please isolate yourself and call the Department of Health COVID-19 operations team at **352-273-9790** to report your case. Instructors should share this information with their students.

Zoom Policy

Please comply with the following during Zoom sessions:

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

Course 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 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/>.

Student Support

Any student who has difficulty accessing sufficient food, lacks a safe place to live, or who is experiencing any other personal hardship, is encouraged to contact the Office of Student Affairs at the phone number or email address that appears below. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

Counseling and Psychological Services

Many students at University of Florida Levin College of Law face personal challenges or have psychological needs that may interfere with their academic progress, social development, or emotional health. The law school and Gainesville community offer a variety of confidential services to help you through difficult times, including individual and group counseling, crisis intervention, consultations, online chats, and mental health screenings.

You can reach the law school’s mental health counselor, **Ritzy Ettinger** at email rettinger@ufl.edu or call **352-273-0620**.

You can also reach out to the following entities:

UF Counseling & Wellness Center/Gator-2-Gator
401 Peabody Hall
Gainesville, FL
Phone: 352-392-1575
Website: <https://counseling.ufl.edu/services/crisis/>

UF Crisis Hotline (24 hours/7 days/week)
Phone: 352-392-1575

Alachua County Crisis Center
Phone: 352-264-6789
Website: <https://www.alachuacounty.us/Depts/CSS/CrisisCenter/Pages/CrisisCenter.aspx>

University of Florida Levin College of Law
The Office of Student Affairs
Phone: 352-273-0620
Email: student.svc@law.ufl.edu

University of Florida
“U Matter, We Care”
Phone: 352-294-CARE (2273)
Email: umatter@ufl.edu
Website: <https://umatter.ufl.edu>

text	= Appellate Brief
text	= Trial Memo
Final Exam	= Final Exam (Case File #3)

III.

Course Outline & Assignments

The following outline is preliminary. **I may change as the course progresses.** You are expected to check the course website regularly for updates, supplemental material, and announcements.

Assignments are due by 11:59 p.m. on the due date. Grading is subject to the late policy set forth in this syllabus.

Readings are from the An Advocate Persuades (“AAP”) unless otherwise noted.

Week	Class	Topics Covered
Week 1	Class 1 1/18/22	Introduction to Course, the Appellate Case File, and the Decisions Below Read: AAP, Chapters 1-3 * Complete Preference Forms
	Class 2 1/20/22	The Appellate Brief Read: AAP, Chapter 11
Due: Complete Canvas Introduction Assignment Saturday, January 22, 2022 at 11:59 p.m. EST via Canvas		
Week 2	Class 3 1/25/22	Appellate Practice Read: AAP, Chapter 5 Key Cases: <i>Sumnum, Walker, Matal</i> HW Due Before Class: Draft of cover page and question presented
	Class 4 1/27/22	Trivia Day (Review Concepts and Case File) Key Cases: <i>Perry, Cornelius, Rosenberger, Forbes</i> Key Cases Wrap-Up
Week 3	Class 5 2/1/22	Crafting Your Argument (Structure) Read: AAP, Chapter 7 HW Due Before Class: Draft of preliminary theory of case Mini Oral Arguments
	Class 6 2/3/22	Crafting Your Argument (Substance) Read: AAP, Chapters 8-9

		Mini Oral Arguments
Week 4	Class 7 2/8/22	Statement of Case and Facts (SOCAF) Read: AAP, Chapter 12 HW Due Before Class: Draft outline of argument due (for peer review) Mini Oral Arguments
	Written Assignment #1: Final Draft of Argument Outline Tuesday, February 8, 2022 at 11:59 p.m. EST via Canvas	
	Class 8 2/10/22	Review: Argument Outline and SOCAF No additional reading HW Due Before Class: Draft Statement of Case/Statement of Facts (for peer review) Mini Oral Arguments
Week 5	Class 9 2/15/22	Format, Style and Substance Supplemental Reading Mini Oral Arguments
	Written Assignment #2: Final Statement of Case/Statement of Fact Tuesday, February 15, 2022 at 11:59 p.m. EST via Canvas	
	Class 10 2/17/22	<i>(tentative)</i> Practitioner Workshop: Transitioning Argument From Written to Oral Advocacy No additional reading
Due: Appellate Brief Research Assignment Thursday, February 17, 2022 at 11:59 p.m. EST via Canvas		
Week 6	Class 11 2/22/22	Oral Arguments Read: AAP, Chapter 14 Mini Oral Arguments
	Written Assignment #3: Draft of Appellate Brief Argument Section Due Tuesday, February 22, 2022 11:59 p.m. EST via Canvas	
	Class 12 2/24/22	The Trial Memo Read: AAP, Chapter 4 <i>Trial Memo Key Cases</i> Mini Oral Arguments
Week 7	Class 13 3/1/22	Oral Argument Demonstration & Practice: Led By Teaching Assistants
	Due: Trial Memo Research Assignment Tuesday, March 1, 2022 at 11:59 p.m. EST via Canvas	

	Class 14 3/3/22	Oral Argument Demonstration & Practice: Led By Teaching Assistants
Week 8	Class 15 3/8/22	SPRING BREAK
	Class 16 3/10/22	
Week 9	Class 17 3/15/22	(tentative) Guest Speaker: Mat Staver, Liberty Counsel
	Class 18 3/17/22	Refining Your Argument AAP, Chapter 13
Written Assignment #4: Draft of Trial Memo Sunday, March 20, 2022 11:59 p.m. EST via Canvas		
Week 10	Class 19 3/22/22	Oral Argument Practice & Feedback/Student Conferences No additional reading
	Class 20 3/24/22	Oral Argument Practice & Feedback/Student Conferences No additional reading
	3/25/22	NOT A REGULAR CLASS DAY Writing Workshop: 3:00 – 4:25 p.m. (in lieu of April 25, 2022)
Written Assignment #5: Final Appellate Brief Argument Section Sunday, March 27, 2022 11:59 p.m. EST via Canvas		
Week 11	Class 21 3/29/22	Final Appellate Oral Arguments – No Class <i>You and your partner will be assigned a 30-min. block between 6:00 p.m. and 9:00 p.m. one evening this week.</i>
	Class 22 3/31/22	Final Appellate Oral Arguments – No Class <i>You and your partner will be assigned a 30-min. block between 6:00 p.m. and 9:00 p.m. one evening this week.</i>

Week 12	Class 23 4/5/22	Refining The Trial Memo No additional reading
	Class 24 4/7/22	Debrief Oral Arguments Course Evaluations
Written Assignment #6: Final Trial Memo Thursday, April 7, 2022 11:59 p.m. EST via Canvas		
Week 13	Class 25 4/12/22	Research Refresher/Citation Review
	Class 26 4/14/22	Litigation – Transaction Connection Supplemental reading
Friday, April 15, 2022 – <u>Written Assignment #7: Final Exam Is Made Available</u> Due: <u>Friday, April 22 at 11:59 p.m. EST</u>		
Week 14	Class 27 4/19/22	Asynchronous Learning Day
	Class 26 4/21/22	Asynchronous Learning Day
FINAL EXAM DUE: Friday, April 22 at 11:59 p.m. EST		
Week 15	Class 27 4/25/22	<i>Last Day of Law School Classes</i> No Class (See March 25, 2022)

Enjoy your summer!