Legal Writing I

Section X, Class Number 27361, Fall 2021

Prof. Joseph Jackson, [jjackson@law.ufl.edu](mailto:jjackson@law.ufl.edu)

Class Hours: Tue/Thu 3:15-4:10PM

Office Hours: Mon & Thu 4:30-5:30PM Room 368 C Holland Hall (352)273-0882

Zoom Personal Meeting Room: <https://ufl.zoom.us/j/6437443675>

Required texts: **Christine Coughlin et al., A Lawyer Writes** (3d ed. 2018)

**The Bluebook** (21st ed. 2020)

**Core Grammar for Lawyers** (4th ed.) (use code UFLL2021 for discount and sign up for class code 321-72-5155)

**Legal Writing Course Materials** (on Canvas)

Recommended: **Dworsky, The Little Book on Legal Writing** (2d ed.)

This course introduces you to the structure of legal analysis and the accepted forms of presenting that analysis in objective or predictive legal writing (to be contrasted with persuasive legal writing, which is covered next semester in Legal Writing II).

**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**. Upon completion of this course you should be able to:

* 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;
* Apply ethical and professional standards in crafting your written work; and
* Effectively and critically revise, edit, and proofread your legal writing.

Policies concerning grading, attendance, academic dishonesty, formatting of written assignments, untimely submission of written assignments, and other matters are set forth in the course Administrative Policies below. Reasonable accommodations will be made for students with disabilities. Requests for such accommodations should be directed to the Student Affairs Office.

**COURSE ADMINISTRATIVE POLICIES**

1. **Assignments; Grades**

The principal assignments in this course consist of office memos, a client letter, and an email memo. Some of the office memo assignments will entail extensive research; many of the assignments will require submission of a preliminary draft. Other writing exercises will be assigned over the course of the semester as well. Some assignments will not be very time-consuming, but others will require substantial effort, and you should expect that by the end of the semester you will have spent more than twice as much time working on assignments outside of class as you have spent attending class.

Grades will be determined on the basis of the Final Memo assignment (50%), the Memo #2 final draft assignment (40%), and the Client Letter final draft assignment (10%). In exceptional cases, extraordinary (or extraordinarily deficient) course work throughout the semester also may be taken into account in determining the final grade. See also section 6 and “Grading Standards for Final Memo” below, and the law school grading policy at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

1. **Collaboration on Writing Assignments**

Written work must be done independently. Unauthorized collaboration is an Honor Code violation. **Do not read any other student's work, and do not share your written work with any student** **other than your TA**, unless you have obtained my written permission to do so. Giving your work to another student violates the collaboration policy as much as taking work from another student does. If you use a typist, that person may not edit or direct you to edit what you have written.

You are **permitted to discuss** **ideas** relating to the writing assignments, and the importance or interpretation of cases. Such discussion is often helpful in refining and testing your interpretation and analysis. However, do not discuss which cases you plan to use in your memo, or how you plan to use them. Instead, frame your discussions around the legal issues. It’s fine to say “I don’t think the Cohen decision contributes anything to the analysis of the ‘clear and present danger’ test,” but don’t say “I’m not planning to discuss Cohen in my memo.”

1. **Plagiarism and Quotations**

**Plagiarism is an Honor Code violation.** Sources must be acknowledged, not only when you quote their text, but also when you paraphrase. (Citing the original source when you paraphrase not only avoids plagiarism, it also gives your position more credence by showing that someone else has supported your view.)

Direct quotes must be indicated by quotation marks, and the source should be cited immediately after the quoted passage or at the conclusion of the sentence in which the quoted passage appears. What is within the quotation marks should correspond exactly with the original; any changes should be indicated by square brackets ([ ]), and any omissions should be indicated by an ellipsis (. . .). Be sure you **specifically double-check the accuracy of all quotations** against the source.

When you cite to a case you are representing that the court opinion supports the proposition you’ve asserted. The headnotes and syllabus of a case are not part of the court opinion, and if you cite to or quote from them, you betray a fundamental ignorance of what constitutes case law precedent. **Never cite to or quote from the headnotes or syllabus of a case.**

1. **Proofreading**

Careless errors undermine your credibility, and thereby undermine the persuasive force of what you write. **Excessive typographical, spelling, format, grammatical, or citation errors may cause a paper to be deemed unsatisfactory, regardless of its substantive merit.** Proofreading is essential. Merely proofreading for typographical errors, however, will not reveal inaccuracies in your pinpoint citations. Therefore, you should **specifically double-check the accuracy of your pinpoint citations** against the source.

**5. Formatting Requirements for Writing Assignments**

All assignments are to be submitted electronically via the course Canvas website, in Word or .pdf format. Specific formatting requirements will be specified in class. For the office memo assignments, use 12-point Calibri font, with 1¼-inch margins on the left and right. Do not justify the right margin. Papers should be double-spaced, except for the heading. Page numbers should be located at the bottom center of each page.

**6.** **Class Attendance and Assignment Due Dates**

Class attendance and assignment due dates are mandatory. Excessive unexcused absences may result in a downward adjustment of your final grade or your dismissal from the course. Assignments turned in more than five minutes late will be noted as untimely; assignments turned in more than one hour late will be deemed delinquent. Unless the delay is excused, submission of multiple untimely assignments, or submission of any delinquent assignment, may result in a downward adjustment of your final grade. Computer failures, errors, and the like generally do not constitute a satisfactory excuse for failing to turn in an assignment on time. I therefore urge you to prepare for such contingencies: back-up your work, and plan to upload your document long enough before the deadline to find another computer in case the one you’re using fails.

### **7. Policies To Prevent the Spread of Covid-19**

The UF Student Health Center offers Covid-19 vaccines to students at no charge. **The law school strongly encourages all students to become vaccinated if you have not already done so.** If you need an excused absence to get your vaccine or to recover from post-vaccine symptoms, I will happily grant one.

You are welcome to wear a mask during class or anywhere else in the law school. At the time of drafting this syllabus, masks are strongly encouraged.

If you have been exposed to Covid-19 or are experiencing Covid-like 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 permitted to return to campus.

**8. Course Evaluation**

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/>.

**9. Recording Classes**

You may record video or audio of class lectures only for the following narrow purposes: (1) for your sole, 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. Recording for any other purpose is prohibited. Moreover, you may not publish, share, or transmit any part of your personal recording to anyone else—including another student in the class—without my written permission. If you do so without my written consent you may be subject to civil liability, as well as to discipline under the UF Student Honor Code and Student Conduct Code.

If you need to have class recorded to help you with a disability, please arrange that through the Disability Resource Center (see above under “Accommodations”). The Center will have the classes recorded for you using the classroom cameras and microphones, which will give you far better-quality video and audio than your cellphone can provide.

**Grading Standards for Final Memo**

**A or A-:** The memo is excellent in all respects. The analysis presented is persuasive, interesting, and well-reasoned. The writing style is clear, direct, and grammatically correct. The paper is generally free of typos, formatting problems and citation errors.

**B+:** The memo is very good in all respects. By and large, the analysis is persuasive and well-reasoned, the writing style is clear, direct, and grammatically correct, and the paper is free of typos, formatting problems and citation errors, but the memo lacks some of the sophistication present in an A or A- paper.

**B:** The memo constitutes a solid, well-reasoned and professional piece of work. The organization of the memo, the writing style, the use of citation and the formatting of the memo demonstrate mastery of the basics of memo-writing and citation.

**B- or below:** The memo is notably deficient in one or more respects: the analysis presented is thin, conclusory, or poorly-reasoned; the writing style is unclear, confusing or difficult to follow; the organization is poor; or the paper suffers from extensive grammatical, formatting or citation errors.

**ASSIGNMENTS AND COURSE SCHEDULE**

The Course Calendar begins below. **Note that the schedule is tentative, and may change.** “Text” refers toChristine Coughlin et al.,A Lawyer Writes, 3d ed. Major assignments are shown in **Red Boldface** typeand those contributing to the final grade are also **underlined**.

**Aug. 24 Proving Points with Cases**

Read: Lucy v. Zehmer (on Canvas). Be prepared to discuss the rules the case establishes regarding contracts made while intoxicated or in jest.

**Aug. 26 Thesis Sentences**

Read: Text ch. 1, 6; Syllabus and Course Administrative Policies, Sample Memo #1, and Introduction to Case Citation (all on Canvas). Optional: Dworsky ch. 1-2, 6.

Due: Draft a case summary for Lucy v. Zehmer.

**Aug. 31 Synthesizing Cases**

Read: Memo #1 fact pattern, statutes and cases (all on Canvas under “Memo #1 Materials”). Optional: Text ch. 3-4.

Due: Revised Lucy case summary; Core Grammar for Lawyers Pre-test

**Sept. 2** **Drafting Effective Case Summaries**

Read: Optional: Text Section 7.2; Dworsky ch. 3, 7-8, 10.

Due: Citation Exercise

Sept. 6 Labor Day Holiday

**Sept. 7** **Using Cases to Establish Necessary and Sufficient Conditions**

Read: None.

Due: Case summary for Memo #1

**Sept. 9** **Office Memos**

Read: Text ch. 7 (pp.99-112), ch. 9. Optional: Text ch. 12.

Due: Additional case summaries for Memo #1

**Sept. 14** **Organization of Analysis; Common Problems with Case Summaries**

Read: Optional: Text ch. 8.

**Sept. 16** **Legal** **Analysis Exercise**

Read: TBA.

Due: **Memo #1 Discussion section**

**Sept. 21** **Rule Application and Effective Case Analogies**

Read: Rule Application materials (on Canvas).

**Sept. 23** **Rule Application and Effective Case Analogies**

Read: TBA

Due: Rule application analysis

**Sept. 28** **Common Problems with Memo #1**

Read: TBA

Sept. 30-Oct. 8 Optional conferences re: Memo 1 – sign up on Canvas

**Sept. 30 Memo 2 Issues and Assignments**

Read: Memo #2 materials (on Canvas).

**Oct. 1** [Fri.] Moot Court Final Four competition [time TBA]

**Core Grammar for Lawyers Post-test (minimum score: 85)** due by 11:59pm

**Oct. 5** **Memo #2 Issues and Assignments**

Read: Research and identify relevant Florida school search cases

**Oct. 7** **Question Presented, Brief Answer, and Statement of Facts**

Read: Text ch. 13-14. Optional: Dworsky ch. 13.

**Oct. 12** **Memo #2 Substance and Organization**

Read: Optional: Dworsky ch. 4-5, 11-12.

Due: Memo #2 question presented, brief answer & statement of facts

**Oct. 14** **Common problems with QP/BA/Facts; Memo #2 Q&A**

Read: TBA

**Oct. 19** **Client Letters**

Read: TBA

Due: **Memo #2 Discussion section**

**Oct. 20** [Wed.] **First DCA Oral Arguments and Q&A with Judge** [time TBA]

**Oct. 21** **Writing to Your Audience**

Read: Text ch. 17.

Due: Client letter preliminary draft

**Oct. 26** **Email Memos**

Read: Text ch. 18; additional readings TBA

Due: **Client letter final draft**

**Oct. 28** No class - Email memo due by 5:00pm

**Nov. 2 Common problems with Memo 2 drafts**

Read: None

Nov. 3-10 Individual conferences on Memo #2 drafts– sign up on Canvas.

**Nov. 4** **Citation**

Read: TBA

Nov. 9 **Final Q&A re: Memo #2**

Nov. 11 No class – Veteran’s Day Holiday

Nov. 12 [Fri.] **Memo #2 final draft due by 5:00pm**

Nov. 13 [Sat.] FINAL MEMO PACKET DROPS

**Nov. 16 Q & A re: Final Memo**

Read: None.

**Nov. 18** **Final Editing Tips; Client Letter and Email Memo Feedback**

Read: None.

**Nov. 21** [Sun.] **FINAL MEMO due by 11:59pm**

**Nov. 23 Course Evaluation; Exam Taking Tips – Last class!**